



Atomic Energy Act 1946

1946 CHAPTER 80

General Provisions

13 Disclosure of information obtained under Act

Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act, shall be guilty of an offence under this Act.

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 penal servitude 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 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

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Prosecutions, or, in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

15 Provisions as to orders

- (1) Every order made by the Minister under this Act, except an order made under section seven thereof or an order varying or revoking such an order, 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.
- (3) Section one of the Rules Publication Act, 1893 (which requires a notice to be given of a proposal to make statutory rules) shall not apply to any such order as aforesaid.

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.

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 an owner, lessee or occupier of land, if it is not practicable after reasonable inquiry to ascertain his name or address, by 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—

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" atomic energy " means the energy released from atomic nuclei as a result of any process, including the fission process, but does not include energy released in any process of natural transmutation or radio-active decay which is not accelerated or influenced by external means :

" 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.

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 Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the 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;
- (c) an order made under section seven of this Act providing for vesting in the Minister an exclusive right to work minerals situated in any land or any ancillary right shall be recorded in the appropriate register of sasines, and when so recorded shall be enforceable against any persons having any interest in the land affected by the order, and against any persons deriving title from them ;
- (d) subsection (3) of section seven of this Act shall have effect as if for the references to the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, and to paragraph 1 thereof there were respectively substituted

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references to section two of that Act as it applies to Scotland and to subsection (1) of that section ;

- (e) section seventeen of this Act shall have effect as if paragraph (d) thereof were omitted.

20 Application to Northern Ireland

- (1) It is hereby declared that this Act, except sections six and seven thereof, extends to Northern Ireland, and notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for the purpose of conferring on a department of the government of Northern Ireland powers similar to those conferred on the Minister by section six and section seven of this Act.
- (2) In the application of this Act to Northern Ireland, the expression " summary conviction " shall be construed as meaning conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act.
- (3) Subsection (4) of section one of the Irish Land Act, 1907 (which, as amended by subsequent enactments, requires a disposition of mining rights reserved on a sale under the Acts relating to land purchases in Northern Ireland to be approved by the Chancery Judge of the High Court of Justice in Northern Ireland) and subsection (5) of that section (which requires a notice to be published stating the intention to make such a disposition and inviting offers) shall not apply to any disposition of mining rights to the Minister for the purposes of his functions under this Act.

21 Short title

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