



# Nuclear Material (Offences) Act 1983

## 1983 CHAPTER 18

An Act to implement the Convention on the Physical Protection of Nuclear Material; and for purposes connected therewith. [9th May 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Annotations:

#### Commencement Information

II Act not in force at Royal Assent; Act wholly in force 2.10.1991, see s. 8(2) and S.I. 1991/1716, art. 2

### 1 Extended scope of certain offences.

- (1) If a person, whatever his nationality, does outside the United Kingdom, in relation to or by means of nuclear material, any act which, had he done it in any part of the United Kingdom, would have made him guilty of—
- (a) the offence of murder, manslaughter, culpable homicide, assault to injury, malicious mischief or causing injury, or endangering the life of the lieges, by reckless conduct, or
  - (b) an offence under section 18 or 20 of the Offences against the Person Act 1861 or section 1 of the <sup>M2</sup>Criminal Damage Act 1971 or Article 3 of the <sup>M3</sup>Criminal Damage (Northern Ireland) Order 1977 or section 78 of the <sup>M4</sup>Criminal Justice (Scotland) Act 1980, or
  - (c) the offence of theft, embezzlement, robbery, assault with intent to rob, burglary or aggravated burglary, or
  - (d) the offence of fraud or extortion or an offence under section 15 or 21 of the <sup>M5</sup>Theft Act 1968 or section 15 or 20 of the <sup>M6</sup>Theft Act (Northern Ireland) 1969,

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he shall in any part of the United Kingdom be guilty of such of the offences mentioned in paragraphs (a) to (d) above as are offences of which the act would have made him guilty had he done it in that part of the United Kingdom.

(2) In this section and in section 2 below, “act” includes omission.

**Annotations:**

**Commencement Information**

**I2** S. 1 wholly in force 2.10.1991, see s. 8(2) and S.I. 1991/1716, art 2

**Marginal Citations**

**M1** 1861 c. 100.

**M2** 1971 c. 48.

**M3** S.I. 1977/426.

**M4** 1980 c. 62.

**M5** 1968 c. 60.

**M6** 1969 c. 16 (N.I.).

**2 Offences involving preparatory acts and threats.**

- (1) If a person, whatever his nationality, in the United Kingdom or elsewhere contravenes subsection (2), (3) or (4) below he shall be guilty of an offence.
- (2) A person contravenes this subsection if he receives, holds or deals with nuclear material—
  - (a) intending, or for the purpose of enabling another, to do by means of that material an act which is an offence mentioned in paragraph (a) or (b) of subsection (1) of section 1 above; or
  - (b) being reckless as to whether another would so do such an act.
- (3) A person contravenes this subsection if he—
  - (a) makes to another person a threat that he or any other person will do by means of nuclear material such an act as is mentioned in paragraph (a) of subsection (2) above; and
  - (b) intends that the person to whom the threat is made shall fear that it will be carried out.
- (4) A person contravenes this subsection if, in order to compel a State, international governmental organisation or person to do, or abstain from doing, any act, he threatens that he or any other person will obtain nuclear material by an act which is an offence mentioned in paragraph (c) of subsection (1) of section 1 above.
- (5) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the contemplated act at the place where the conviction occurs and at the time of the offence to which the conviction relates.
- (6) In subsection (5) above “contemplated act” means,—
  - (a) where the conviction relates to an offence under subsection (2) above, the act intended or as to the doing of which the person convicted was reckless, as the case may be; and

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- (b) where the conviction relates to an offence under subsection (3) or (4) above, the act threatened.
- (7) In this section references to an act which is an offence mentioned in paragraph (a), (b) or (c) of subsection (1) of section 1 above are references to an act which, by virtue of that subsection or otherwise, is an offence so mentioned.

**Annotations:**

**Commencement Information**

**I3** S. 2 wholly in force at 2.10.1991 see s. 8(2) and S.I. 1991/1716, art. 2

**3 Supplemental.**

- (1) Proceedings for an offence which (disregarding the provisions of the <sup>M7</sup>Internationally Protected Persons Act 1978 [<sup>F1</sup>, the Suppression of Terrorism Act 1978 and the United Nations Personnel Act 1997]) would not be an offence apart from the preceding provisions of this Act shall not be begun—
- (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 Attorney General for Northern Ireland.
- (2) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978 [<sup>F1</sup>, the Suppression of Terrorism Act 1978 and the United Nations Personnel Act 1997]) would not be an offence in Scotland apart from the preceding provisions of this Act.

**Annotations:**

**Amendments (Textual)**

**F1** Words in s. 3(1)(2) substituted (27.4.1997) by 1997 c. 13, ss. 7, 10(2), Sch. para. 4

**Commencement Information**

**I4** S. 3 wholly in force at 2.10.1991 see s. 8(2) and S.I. 1991/1716, art. 2

**Marginal Citations**

**M7** 1978 c. 17.

**4 Amendments of other Acts.**

- (1) In consequence of the provisions of this Act—
- (a) in subsections (1) and (2) of section 2 of the Internationally Protected Persons Act 1978 (which relates to certain offences committed outside the United Kingdom) after the words “Suppression of Terrorism Act 1978” there shall be inserted in each place the words “and the Nuclear Material (Offences) Act 1983”; and
- (b) in subsections (4) and (5) of section 4 of the Suppression of Terrorism Act 1978 (which also relates to certain offences committed outside the United

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Kingdom) after the words “Internationally Protected Persons Act 1978” there shall be inserted in each place the words “and the Nuclear Material (Offences) Act 1983 ”.

(2) In the Schedule to the <sup>M8</sup>Visiting Forces Act 1952 (which specifies the offences which are offences against the person and against property for the purposes of section 3 of that Act)—

(a) at the end of each of paragraphs 1, 2 and 4 there shall be inserted the following subparagraph—

“(c) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—

(i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within subparagraph (a) or (b) of this paragraph, or

(ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence”; and

(b) at the end of paragraph 3 there shall be inserted the following subparagraph—

“(c) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—

(i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within the foregoing subparagraphs, or

(ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence.”

<sup>F2</sup>(3) .....

<b>Annotations:</b>
<b>Amendments (Textual)</b>
<b>F2</b> S. 4(3) repealed (27.8.1991) by Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1), ss. 69(1), 70(4), <b>Schedule 8 Part I</b>
<b>Commencement Information</b>
<b>I5</b> S. 4 wholly in force at 2.10.1991 see s. 8(2) and S.I. 1991/1716, <b>art. 2</b>
<b>Marginal Citations</b>
<b>M8</b> 1952 c. 67.

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**Annotations:**

**Amendments (Textual)**

**F3** S. 5 repealed by [Extradition Act 1989 \(c. 33, SIF 39:1\)](#), s. 37(1), [Sch. 2](#)

**6 Material to which the Act applies.**

- (1) References in this Act to nuclear material are references to material which, within the meaning of the Convention, is nuclear material used for peaceful purposes.
- (2) If in any proceedings a question arises whether any material was used for peaceful purposes, a certificate issued by or under the authority of the Secretary of State and stating that it was, or was not, so used at a time specified in the certificate shall be conclusive of that question.
- (3) In any proceedings a document purporting to be such a certificate as is mentioned in subsection (2) above shall be taken to be such a certificate unless the contrary is proved.
- (4) Paragraphs (a) and (b) of Article 1 of the Convention (which give the definition of “nuclear material” for the purposes of the Convention) are set out in the Schedule to this Act.

[<sup>F4</sup>(5) In this section “the Convention” means the Convention on the Physical Protection of Nuclear Material opened for signature at Vienna and New York on 3rd March 1980.]

**Annotations:**

**Amendments (Textual)**

**F4** S. 6(5) added by [Extradition Act 1989 \(c. 33, SIF 39:1\)](#), s. 36(9)

**Commencement Information**

**I6** S. 6 wholly in force at 2.10.1991 see s. 8(2) and [S.I. 1991/1716](#), [art. 2](#)

**7 Application to Channel Islands, Isle of Man, etc.**

- (1) ..... <sup>F5</sup>
- (2) Her Majesty may by Order in Council make provision for extending the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man or any colony.

**Annotations:**

**Subordinate Legislation Made**

**P1** S. 7: s. 7(2) power exercised by [S.I.1991/1717](#),[1991/1718](#) and[1991/1719](#)

**Amendments (Textual)**

**F5** S. 7(1) repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37(1), [Sch. 2](#)

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**Commencement Information**

- I7** [S. 7](#) wholly in force: [s. 7\(2\)](#) in force for certain purposes at 24.7.1991 and [s. 7](#) wholly in force 2.10.1991, see [s. 8\(2\)](#) and [S.I. 1991/1716, art. 2](#)

**8 Short title and commencement.**

- (1) This Act may be cited as the Nuclear Material (Offences) Act 1983.
- (2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

**Annotations:****Subordinate Legislation Made**

- P2** [S. 8\(2\)](#) power exercised (24.7.1991) by [S.I.1991/1716](#)

**Commencement Information**

- I8** [S. 8](#) wholly in force at 2.10.1991 see [s. 8\(2\)](#) and [S.I. 1991/1716, art. 2](#)

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PROSPECTIVE

SCHEDULE

Section 6.

ARTICLE 1(A) AND (B) OF THE CONVENTION

**Annotations:**

**Commencement Information**

**I9** [Schedule](#) wholly in force at 2.10.1991 see [s. 8\(2\)](#) and [S.I. 1991/1716, art. 2](#)

ARTICLE 1

**Annotations:**

**Commencement Information**

**I10** [Sch. article 1](#) wholly in force at 2.10.1991 see [s. 8\(2\)](#) and [S.I. 1991/1716, art. 2](#)

For the purposes of this Convention:

- (a) “nuclear material” means plutonium except that with isotopic concentration exceeding 80% in plutonium238; uranium233; uranium enriched in the isotopes 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or oresidue; any material containing one or more of the foregoing;
- (b) “uranium enriched in the isotope 235 or 233” means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

**Annotations:**

**Commencement Information**

**I11** [Sch. article 1](#) wholly in force at 2.10.1991 see [s. 8\(2\)](#) and [S.I. 1991/1716, art. 2](#)

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**Changes and effects yet to be applied to :**

- s. 1-4 extended (Isle of Man) (with modifications) by S.I. 2009/3203 art. 3 Sch.
- s. 1(1)(b) words substituted by 2008 c. 4 Sch. 17 para. 2(2)
- s. 1(1)(d) words repealed by 2006 c. 35 Sch. 1 para. 20 Sch. 3
- s. 1(1A) inserted by 2008 c. 4 Sch. 17 para. 2(3)
- s. 1(2) repealed by 2008 c. 4 Sch. 17 para. 2(4) Sch. 28 Pt. 5
- s. 2(5) substituted by 2006 c. 11 s. 14(1)
- s. 3(1) words substituted by 2003 c. 32 Sch. 5 para. 8
- s. 3(2) words substituted by 2003 c. 32 Sch. 5 para. 8
- s. 4(1)(a) repealed by 2008 c. 12 Sch. 1 Pt. 3
- s. 6 extended (Isle of Man) (with modifications) by S.I. 2009/3203 art. 3 Sch.
- s. 6 sidenote substituted by 2008 c. 4 Sch. 17 para. 6(7)
- s. 6(A1) inserted by 2008 c. 4 Sch. 17 para. 6(2)
- s. 6(1) words repealed by 2008 c. 4 Sch. 17 para. 6(3) Sch. 28 Pt. 5
- s. 6(1A)(1B) inserted by 2008 c. 4 Sch. 17 para. 6(4)
- s. 6(2) words inserted by 2008 c. 4 Sch. 17 para. 6(5)
- s. 7(2) modified by 2008 c. 4 s. 152(7)
- s. 7(2) words substituted by 2008 c. 4 Sch. 17 para. 7
- s. 8 extended (Isle of Man) (with modifications) by S.I. 2009/3203 art. 3 Sch.
- Sch. extended (Isle of Man) (with modifications) by S.I. 2009/3203 art. 3 Sch.

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A-1D inserted by 2008 c. 4 Sch. 17 para. 3
- s. 2 2A substituted for s. 2 by 2008 c. 4 Sch. 17 para. 4
- s. 3A inserted by 2008 c. 4 Sch. 17 para. 5
- s. 5A repealed by 2008 c. 12 Sch. 1 Pt. 3
- s. 6(5)-(8) substituted for s. 6(5) by 2008 c. 4 Sch. 17 para. 6(6)

**Commencement Orders yet to be applied to the Nuclear Material (Offences) Act 1983:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2004/786 art. 2 3 commences (2003 c. 32)
- S.I. 2006/1013 art. 2 commences (2006 c. 11)
- S.I. 2006/3200 art. 2 commences (2006 c. 35)
- S.I. 2009/3074 art. 2 3 commences (2008 c. 4)
- S.R. 2010/113 art. 2 commences (2002 c. 26)