



Energy Act 1983

1983 CHAPTER 25

PART II

NUCLEAR INSTALLATIONS

28 General cover for compensation.

- (1) In subsection (1) of section 18 of the 1965 Act (general cover for compensation)—
- (a) for the words “and (3)” there shall be substituted the words “to (4B)”, and
 - (b) for the words from “an aggregate” to the end there shall be substituted the words “the aggregate amount specified in subsection (1A) of this section”.
- (2) After subsection (1) of that section there shall be inserted—
- “(1A) The aggregate amount referred to in subsection (1) of this section is the equivalent in sterling of 300 million special drawing rights on—
- (a) the day (or first day) of the occurrence in question, or
 - (b) if the Secretary of State certifies that another day has been fixed in relation to the occurrence in accordance with an international agreement, that other day.
- (1B) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1A) of this section; but an order under this subsection shall not have effect in respect of an occurrence before (or beginning before) the order comes into force.”.
- (3) For subsection (4) of that section there shall be substituted—
- “(4) In relation to liability by virtue of any relevant foreign law, there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the expiration of any period of limitation imposed by that law and permitted by a relevant international agreement.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983, Section 28. (See end of Document for details)

(4A) Where—

- (a) a relevant foreign law provides in pursuance of a relevant international agreement for sums additional to those referred to in subsection (1)(a) of this section to be made available out of public funds, but
- (b) the maximum aggregate amount of compensation for which it provides in respect of an occurrence in pursuance of that agreement is less than that specified in subsection (1A) of this section,

then, in relation to liability by virtue of that law in respect of the occurrence, subsection (1) of this section shall have effect as if for the reference to the amount so specified there were substituted a reference to the maximum aggregate amount so provided.

(4B) Where a relevant foreign law does not make the provision mentioned in subsection (4A)(a) of this section, then in relation to liability by virtue of that law in respect of any occurrence—

- (a) subsection (1) of this section shall not have effect unless the person (or one of the persons) liable is a licensee, the Authority or the Crown; and
- (b) if a licensee, the Authority or the Crown is liable, subsection (1) shall have effect as if for the reference to the amount specified in subsection (1A) there were substituted a reference to the amount which would be applicable to that person under section 16(1) of this Act in respect of the occurrence (or, if more than one such person is liable, to the aggregate of the amounts which would be so applicable) if it had constituted a breach of duty under section 7, 8 or 9 of this Act.”.

(4) In section 17(3)(b) of the 1965 Act (which restricts the cover required under section 18 in cases of shared liability)—

- (a) in sub-paragraph (i), for the words “of five million pounds” there shall be substituted the words “equal to that applicable to the person in question under section 16(1) of this Act”; and
- (b) in sub-paragraph (ii), the words “not being less than £2,100,000” shall cease to have effect.

(5) This section shall not have effect in respect of any occurrence before (or beginning before) the commencement of this section.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 1983, Section 28.