



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### *Bringing and satisfaction of claims*

#### **16 Satisfaction of claims by virtue of ss. 7 to 10**

- (1) The liability of any person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 8 or 9 thereof shall not require him to make in respect of any one occurrence constituting a breach of that duty payments by way of such compensation exceeding in the aggregate, apart from payments in respect of interest or costs, five million pounds.
- (2) A relevant foreign operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence—
  - (a) if he would not have been required to make that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant foreign law made for purposes corresponding to those of section 7, 8 or 9 of this Act; or
  - (b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act and has not been made available under section 18 of this Act or by means of a relevant foreign contribution.
- (3) Any claim by virtue of a duty imposed on any person by section 7, 8, 9 or 10 of this Act—
  - (a) to the extent to which, by virtue of subsection (1) or (2) of this section, though duly established, it is not or would not be payable by that person; or
  - (b) which is made after the expiration of the relevant period; or
  - (c) which, being such a claim as is mentioned in section 15(2) of this Act, is made after the expiration of the period of twenty years so mentioned; or
  - (d) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1) of this Act,

shall be made to the appropriate authority, that is to say—

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*Status: This is the original version (as it was originally enacted).*

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- (i) in the case of a claim by virtue of the said section 8, the Minister of Technology;
  - (ii) in the case of a claim by virtue of the said section 9 (other than a claim in connection with a site used by a department of the Government of Northern Ireland), the Minister in charge of the government department concerned;
  - (iii) in any other case, the Minister,
- and, if established to the satisfaction of the appropriate authority, and to the extent to which it cannot be satisfied out of sums made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, shall be satisfied by the appropriate authority to such extent and out of funds provided by such means as Parliament may determine.
- (4) Where in pursuance of subsection (3) of this section a claim has been made to the appropriate authority, any question affecting the establishment of the claim or as to the amount of any compensation in satisfaction of the claim may, if the authority thinks fit, be referred for decision to the appropriate court, that is to say, to whichever of the High Court, the Court of Session and the High Court of Justice in Northern Ireland would, but for the provisions of this section, have had jurisdiction in accordance with section 17(1) and (2) of this Act to determine the claim ; and the claimant may appeal to that court from any decision of the authority on any such question which is not so referred; and on any such reference or appeal—
- (a) the authority shall be entitled to appear and be heard; and
  - (b) notwithstanding anything in any Act, the decision of the court shall be final.
- (5) In this section, the expression " the relevant period" means the period of ten years beginning with the relevant date within the meaning of section 15(1) of this Act.