



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### MISCELLANEOUS AND GENERAL

#### 26 Interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“the Act of 1959” means the <sup>M1</sup>Nuclear Installations (Licensing and Insurance) Act 1959;

[<sup>F1</sup>“the appropriate Agency” means—

- (a) in the case of a site in England or Wales, the Environment Agency;
- (b) in the case of a site in Scotland, the Scottish Environment Protection Agency;]

“atomic energy” has the meaning assigned by the <sup>M2</sup>Atomic Energy Act 1946;

“the Authority” means the United Kingdom Atomic Energy Authority;

“contravention”, in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly;

“costs” in the application of this Act to Scotland, means expenses;

“cover period” has the meaning assigned by section 19(2) of this Act;

“excepted matter” means nuclear matter consisting only of one or more of the following, that is to say—

- (a) isotopes prepared for use for industrial, commercial, agricultural, medical [<sup>F2</sup>scientific or educational] purposes;
- (b) natural uranium;
- (c) any uranium of which isotope 235 forms not more than 0.72 per cent.;
- (d) nuclear matter of such other description, if any, in such circumstances as may be prescribed (or, for the purposes of the application of this Act to a relevant foreign operator, as may be excluded from the operation of the relevant international agreement by the relevant foreign law);

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*Status: Point in time view as at 15/11/1999. This version of this provision has been superseded.*

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“home territory”, in relation to a relevant foreign operator, means the relevant territory in which, for the purposes of a relevant international agreement, he is the operator of a relevant installation;

“injury” means personal injury and includes loss of life;

<sup>XI</sup> “inspector” means an inspector appointed under section 24 of this Act;

[<sup>F3</sup>“inspector” in sections 4(5) and 5(2) of this Act means an inspector appointed by the Health and Safety Executive under section 19 of the <sup>M3</sup>Health and Safety at Work etc. Act 1974;]

“licensed site” means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force;

“licensee” means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force;

“the Minister” means—

(a) in the application of this Act to England and Wales, the Minister of Power;

(b) in the application of this Act to Scotland, the Secretary of State;

“nuclear installation” means a nuclear reactor or an installation such as is mentioned in section 1(1)(b) of this Act;

“nuclear matter” means, subject to any exceptions which may be prescribed—

(a) any fissile material in the form of uranium metal, alloy or chemical compound (including natural uranium), or of plutonium metal, alloy or chemical compound, and any other fissile material which may be prescribed; and

(b) any radioactive material produced in, or made radioactive by exposure to the radiation incidental to, the process of producing or utilising any such fissile material as aforesaid;

“nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons;

“nuclear site licence” has the meaning assigned by section 1(1) of this Act;

“occurrence” in sections 16(1) [<sup>F4</sup>and (1A)], 17(3) and 18 of this Act—

(a) in the case of a continuing occurrence, means the whole of that occurrence; and

(b) in the case of an occurrence which is one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, means all those occurrences collectively;

“period of responsibility”, in relation to a licensee, has the meaning assigned by section 5(3) of this Act;

“prescribed” means prescribed by regulations made by [<sup>F5</sup>the Secretary of State], which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament;

“relevant carriage”, in relation to nuclear matter, means carriage on behalf of—

(a) a licensee as the licensee of a particular licensed site; or

(b) the Authority; or

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- (c) a government department for the purposes of such use of a site by that department as is mentioned in section 9 of this Act; or
- (d) a relevant foreign operator; or
- (e) a person authorised to operate a nuclear reactor which is comprised in a means of transport and in which the nuclear matter in question is intended to be used;

“relevant foreign contribution”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the government of any relevant territory other than the United Kingdom towards the satisfaction of that claim;

“relevant foreign judgment” means a judgment of a court of a relevant territory other than the United Kingdom which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories;

“relevant foreign law” means the law of a relevant territory other than the United Kingdom or any part thereof regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant foreign operator, means the law such as aforesaid of his home territory;

“relevant foreign operator” means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory other than the United Kingdom;

“relevant installation” means an installation to which a relevant international agreement applies;

“relevant international agreement” means an international agreement with respect to third-party liability in the field of nuclear energy to which the United Kingdom or Her Majesty’s Government therein are party, other than an agreement relating to liability in respect of nuclear reactors comprised in means of transport;

“relevant site” means any of the following, that is to say—

- (a) a licensed site at any time during the period of the licensee’s responsibility;
- (b) any premises at any time when they are occupied by the Authority;
- (c) any site at any time when it is occupied by a government department, if that site is being or has been used by that department as mentioned in section 9 of this Act;
- (d) any site in a relevant territory other than the United Kingdom at any time when that site is being used for the operation of a relevant installation by a relevant foreign operator;

“relevant territory” means a country for the time being bound by a relevant international agreement;

“territorial limits” includes territorial waters.

- (2) References in this Act to the carriage of nuclear matter shall be construed as including references to any storage incidental to the carriage of that matter before its delivery at its final destination.
- (3) Any question arising under this Act as to whether—
  - (a) any person is a relevant foreign operator; or
  - (b) any law is the relevant foreign law with respect to any matter; or
  - (c) any country is for the time being a relevant territory,

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shall be referred to and determined by the Minister.

- (4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

#### Editorial Information

- X1** Definition applicable N. I.

#### Textual Amendments

- F1** Words inserted in s. 26(1) (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 10, (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words substituted by Energy Act 1983 (c. 25, SIF 44:1), **s. 32**
- F3** Definition substituted (E.W.)(S.) by S.I. 1974/2056
- F4** Words inserted by Energy Act 1983 (c. 25, SIF 44:1), **s. 27(7)**
- F5** Words in s. 26(1) substituted (15.11.1999) by S.I. 1999/2786, **art. 3(1)**

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

- C1** S. 26(1): functions conferred by the definitions of “excepted matter” and “nuclear matter” made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by S.I. 1999/1750, **arts. 1(1), 4, Sch. 3** (with **art. 7**); S.I. 1998/3178, **art. 3**
- C2** Functions of Minister of Power under this Act now exercisable by Secretary of State: S.I. 1969/1498 and 1970/1537

#### Marginal Citations

- M1** 1959 c. 46.
- M2** 1946 c. 80.
- M3** 1974 c. 37.

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