



# 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 Nuclear Installations (Licensing and Insurance) Act 1959;

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

- (a) in the case of a site in England, the Environment Agency;
- (b) in the case of a site in Scotland, the Scottish Environment Protection Agency;
- (c) in the case of a site in Northern Ireland, the Department of Environment in Northern Ireland;
- (d) in the case of a site in Wales, the Natural Resources Body for Wales.

“the appropriate national authority” means—

- (a) in relation to England and Wales and Scotland, the ONR;
- (b) in relation to Northern Ireland, the Secretary of State; ]

[<sup>F2</sup> “appropriate permit” has the meaning given by section 7B;]

“atomic energy” has the meaning assigned by the <sup>M1</sup>Atomic Energy Act 1946;

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

[<sup>F2</sup> “continental shelf”, in relation to a country or territory, means—

- (a) in the case of the United Kingdom, areas designated under section 1(7) of the Continental Shelf Act 1964;
- (b) in the case of a country or territory outside the United Kingdom, an area outside its territorial sea within which rights are exercisable in relation to the sea bed and subsoil and their natural resources by that country or territory;]

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“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;

[<sup>F2</sup>“event”, in sections 11H, 16(1), (1ZA), (1ZB), (1A), (3B) and (3C), 16B, 16C, 17(3) and 18 and subsection (2B) of this section, means—

- (a) in the case of an event that continues for any time, the whole of that event;
- (b) in the case of an event which is one of a succession of events all attributable to a particular happening on a particular relevant site, all those events collectively;
- (c) in the case of an event which is one of a succession of events, all of which are attributable to a particular happening and take place during one course of carriage, all those events collectively;]

“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>F3</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);

[<sup>F2</sup>“exclusive economic zone”, in relation to a country or territory, means the exclusive economic zone established in respect of the country or territory in accordance with international law, subject to subsection (1E);]

“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>F4</sup>  
...

“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

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- (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

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(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 [<sup>F5</sup>section 1(2)] of this Act;

“occurrence” in sections [<sup>F6</sup>11G(2)(c), 16(1), (1ZA), (1ZB), (1A), (3B) and (3C), 16B and 16C] 17(3) and 18 of this Act [<sup>F7</sup>and subsection (2B) of this section]—

(a) in the case of a continuing occurrence, means the whole of that occurrence; <sup>F8</sup>...

(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; [<sup>F9</sup>and

(c) in the case of an occurrence which is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, means all those occurrences collectively;]

[<sup>F10</sup> “ ONR ” means the Office for Nuclear Regulation; ]

[<sup>F2</sup>“operator”, in relation to a relevant disposal site, has the meaning given by section 7B;]

[<sup>F2</sup>“overseas territory”, in relation to a country, means a territory, not part of the metropolitan territories of the country, for whose international relations the country is responsible;]

“period of responsibility”, in relation to a licensee, has the meaning assigned by [<sup>F11</sup>section 5(14)]of this Act;

“prescribed” means prescribed by regulations made by [<sup>F12</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;

[<sup>F2</sup>“preventive measure” has the meaning given by section 11H;]

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

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

(aa) [<sup>F13</sup>an operator of a relevant disposal site; or]

(b) the Authority; or

(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 [<sup>F14</sup>or was used or was intended to be used];

[<sup>F2</sup>“relevant disposal site” has the meaning given by section 7B;]

“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;

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“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;

[<sup>F2</sup>“relevant maritime zone”, in relation to a country or territory, means—

- (a) the zone that has been established in respect of the country or territory as its exclusive economic zone and that has been identified in accordance with a relevant international agreement for the purposes of establishing jurisdiction under such an agreement, or
- (b) in the case of a country or territory in respect of which no exclusive economic zone is established, a zone that has been established in accordance with international law, being a zone adjacent to the territorial sea of that country or territory and extending no more than 200 nautical miles from the baselines from which that territorial sea is measured, and that has been identified in accordance with a relevant international agreement for the purposes of establishing jurisdiction under such an agreement;]

“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;
- (aa) [<sup>F15</sup>a relevant disposal site at any time during the period that, in the case of any particular operator of the site, is indicated by section 7B(1)(f);]
- (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 [<sup>F16</sup>section 9(1) or (2)] 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” [<sup>F17</sup> means—

- (a) a country that is a party to a relevant international agreement, or
- (b) an overseas territory of such a country, if the relevant international agreement in question applies to the overseas territory;]

[<sup>F2</sup>“significant impairment of the environment” does not include damage to the environment which is not significant enough to be eligible for

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compensation under this Act as damage to property, whether or not the part affected is property in respect of which such compensation can be sought;]

[<sup>F2</sup>“special relevant claim” has the meaning given by section 16A;]

[<sup>F2</sup>“special relevant territory” has the meaning given by section 16A;]

“territorial limits” includes territorial [<sup>F18</sup>sea].

[<sup>F2</sup>“trust” has the meaning given by Article 2 of the Convention on the Law Applicable to Trusts and on Their Recognition, concluded at The Hague on 1 July 1985.]

- [<sup>F19</sup>(1A) A reference in this Act to a relevant reciprocating territory is a reference to—
- (a) a country that is not a party to a relevant international agreement but whose law—
    - (i) with a view to reciprocating benefits conferred as regards it by parties to that relevant international agreement, confers benefits as regards the parties to that relevant international agreement on a basis corresponding to the basis required of a party to that agreement, disregarding for these purposes that agreement’s limits on the amount of liability, and
    - (ii) in that respect is based on principles identical to those of that relevant international agreement, or
  - (b) an overseas territory of a country falling within paragraph (a), if the law of the country or the territory provides for, or they together provide for, the benefits in question to be reciprocated on a basis that includes that territory.
- (1B) A reference in this Act to a qualifying territory is a reference to—
- (a) a relevant territory,
  - (b) a country in the case of which there is no nuclear installation—
    - (i) within its territorial limits or its exclusive economic zone or on its continental shelf, or
    - (ii) within the territorial limits or the exclusive economic zone of, or on the continental shelf of, any overseas territory of the country,
  - (c) an overseas territory of a country falling within paragraph (b),
  - (d) an overseas territory of a country that is a party to a relevant international agreement where the territory—
    - (i) is not a territory to which that agreement applies, and
    - (ii) has no nuclear installation within its territorial limits or its exclusive economic zone or on its continental shelf, or
  - (e) a relevant reciprocating territory.
- (1C) In sections 13(5), 16(1ZB) and (3C), 16A(6)(b) and (9) and 17D(3), subsection (1A) of this section and paragraphs 2 and 3 of Schedule 1A, a reference to the law of a country or territory includes a reference to the law of part of it.
- (1D) In the case of an overseas territory of a country (including an overseas territory of the United Kingdom), a reference in this Act to the law of the territory is to be treated as including a reference to law that has effect with respect to the territory.]
- [<sup>F20</sup>(1E) A reference in this Act to the exclusive economic zone of a country or territory, except in the definitions of “exclusive economic zone” and “relevant maritime zone” in subsection (1), includes a reference to any zone established in accordance with international law which—

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- (a) is adjacent to the territorial sea of that country or territory, and
- (b) extends no more than 200 nautical miles from the baselines from which that territorial sea is measured, and

in which the country or territory exercises some of the rights that are exercisable under Part V of the United Nations Convention on the Law of the Sea (Cmnd 8941).]

- (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.

[<sup>F21</sup>(2A) If nuclear matter is in a place at a particular time as a consequence of an occurrence falling within section 7(1B) (including section 7(1B) as applied by section 7B, 8 or 9), 10(1) or 11, neither the presence of the matter in that place at that time nor any effect that the matter produces at that time is to be treated as a separate occurrence falling within any of those provisions.]

[<sup>F22</sup>(2B) In relation to an occurrence or event in respect of which one or more persons incur liability—

- (a) by virtue of section 7, 7B, 8, 9 or 10, or
- (b) by virtue of any relevant foreign law made for purposes corresponding to those of any of those sections,

a country or overseas territory of a country is not to be treated as a relevant territory, special relevant territory, relevant reciprocating territory or qualifying territory, unless it is such a country or territory at the time of the occurrence or event.]

- (3) Any question arising under this Act as to whether [<sup>F23</sup>at any given time]—

- (a) any person is a relevant foreign operator; <sup>F24</sup>...
- (b) any law is the relevant foreign law with respect to any matter; <sup>F25</sup>...

- [<sup>F26</sup>(c) any country or territory is a relevant territory;
- (d) a relevant territory satisfies the conditions in section 16A(7);
- (e) an overseas territory of a country is a territory to which a particular relevant international agreement applies;
- (f) a country or territory is a relevant reciprocating territory;
- (g) a place is within an exclusive economic zone or relevant maritime zone or on the continental shelf of a country or territory; or
- (h) a country or territory has a nuclear installation within its territorial limits or its exclusive economic zone or on its continental shelf,]

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.

#### Annotations:

#### Amendments (Textual)

- F1** Definitions of "the appropriate environment authority" and "the appropriate national authority" in s. 26(1) substituted for definition of "the appropriate Agency" (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 26\(2\)](#); S.I. 2014/251, art. 4

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- F2** Definitions in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(3)** (with art. 40)
- F3** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), s. **32**
- F4** S. 26(1): Definition of "inspector" omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(3)**; S.I. 2014/251, art. 4
- F5** S. 26(1): Words in definition of "nuclear site licence" substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(4)**; S.I. 2014/251, art. 4
- F6** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(i)** (with art. 40)
- F7** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(ii)** (with art. 40)
- F8** Word in s. 26(1) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(iii)** (with art. 40)
- F9** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(iv)** (with art. 40)
- F10** S. 26(1): Definition of "ONR" inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(5)**; S.I. 2014/251, art. 4
- F11** S. 26(1): Words in definition of "period of responsibility" substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(6)**; S.I. 2014/251, art. 4
- F12** Words in s. 26(1) substituted (15.11.1999) by S.I. 1999/2786, **art. 3(1)**
- F13** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(b)(i)** (with art. 40)
- F14** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(b)(ii)** (with art. 40)
- F15** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(c)(i)** (with art. 40)
- F16** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(c)(ii)** (with art. 40)
- F17** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(d)** (with art. 40)
- F18** Word in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(e)** (with art. 40)
- F19** S. 26(1A)-(1D) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(4)** (with art. 40)
- F20** S. 26(1E) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(5)** (with art. 40)
- F21** S. 26(2A) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(6)** (with art. 40)
- F22** S. 26(2B) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(7)** (with art. 40)

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- F23** Words in s. 26(3) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(8)(a)** (with art. 40)
- F24** Word in s. 26(3)(a) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(8)(b)** (with art. 40)
- F25** Word in s. 26(3)(b) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(8)(c)** (with art. 40)
- F26** S. 26(3)(c)-(h) substituted for s. 26(3)(c) (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(8)(d)** (with art. 40)

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**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

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**Marginal Citations**

- M1** 1946 c. 80.

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

- Act modified by [2014 c. 20 Sch. 1 para. 3\(2\)\(3\)](#)