
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Exclusion of rights to compensation in certain cases

12.—(1) Section 13 of the 1965 Act (exclusion, extension or reduction of compensation in certain cases) is amended as follows.

(2) For subsection (1) (exclusion of occurrences outside the United Kingdom and injury or damage incurred in a place not in a relevant territory) substitute—

“(1) Compensation is not payable under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 if—

- (a) the breach of duty consisted of an occurrence falling within section 7(1B)(b) or 10(1) which took place wholly within the limits relating to a single relevant territory other than the United Kingdom;
- (b) the breach of duty consisted of an event creating a grave and imminent threat of such breach of duty as is mentioned in paragraph (a) and the event took place wholly within the limits relating to a single relevant territory other than the United Kingdom;
- (c) the injury, damage or significant impairment of the environment caused by the breach of duty was incurred within the territorial limits of a country or territory that is not a qualifying territory; or
- (d) in relation to compensation that would but for this paragraph be claimed under section 11H(1) or (2), the preventive measures in question were or would be taken in a place within the territorial limits of a country or territory that is not a qualifying territory.

(1A) For the purposes of subsection (1), the limits relating to a relevant territory are—

- (a) its territorial limits; and
- (b) where the relevant territory has a relevant maritime zone, the limits of its relevant maritime zone (which are to be treated as applying to sea, sea bed, subsoil and airspace).

(1B) Subsection (1) is subject to subsections (2) and (5).

(1C) Compensation is not payable under this Act in the case of a breach of a duty imposed by section 10 if—

- (a) the injury, damage or significant impairment of the environment caused by the breach of duty was incurred in, under or above the sea outside the territorial limits of any country or territory; or
- (b) in relation to compensation that would but for this paragraph be claimed under section 11H(1) or (2), the preventive measures in question were or would be taken in, under or above the sea outside the territorial limits of any country or territory.

(1D) Subsection (1C) does not apply if the injury, damage or significant impairment of the environment in question was incurred or the preventive measures in question were or would be taken—

- (a) in or above the sea within the exclusive economic zone of any qualifying territory, or
- (b) on the continental shelf of any qualifying territory.

(1E) Subsection (1C) is also subject to subsections (2A) and (5).”

(3) In subsection (2) (limitation in subsection (1)(b) not to apply to United Kingdom-registered ships and aircraft)—

- (a) after “section 7” insert “, 7B”, and
- (b) for “subsection (1)(b)” substitute “subsection (1)(c) and (d)”.

(4) After subsection (2) insert—

“(2A) In the case of a breach of duty imposed by section 10, subsection (1C)(b) does not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in a qualifying territory.”

(5) In subsection (3) (certain liability arising by virtue of section 10 to depend on agreement in writing)—

- (a) for “in respect of injury or damage caused by” substitute “in the case of”, and
- (b) for the words from “as is” to “that section” substitute “as satisfies the condition in section 10(4) by reference to the condition in section 7A(2)”.

(6) For subsection (4) (effect of armed conflict or natural disaster) substitute—

“(4) A duty imposed by section 7(1A) or (1C), 7B, 8, 9, 10(1) or 11 as regards occurrences—

- (a) does not impose on the person subject to that duty any liability with respect to injury, damage or impairment of the environment caused by an occurrence which constitutes a breach of that duty if the occurrence, or the fact that the occurrence causes the injury, damage or impairment of the environment, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but
- (b) does impose such a liability where the occurrence, or the fact that the occurrence causes the injury, damage or significant impairment of the environment, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.

(4A) A duty imposed by section 7(1E), 7B, 8, 9 or 10(1A) as regards events creating a grave and imminent threat of a breach of another duty imposed by section 7, 7B, 8, 9 or 10—

- (a) does not impose any liability on the person subject to that duty if the event is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but
- (b) does impose such a liability where the event is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.”