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STATUTORY INSTRUMENTS

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**2016 No. 562**

**The Nuclear Installations (Liability for Damage) Order 2016**

**Satisfaction of claims by operator of site**

**19.**—(1) Section 16 of the 1965 Act (satisfaction of claims by virtue of sections 7 to 10) is amended as follows.

(2) For subsection (1)(1) (liability of a United Kingdom operator) substitute—

“(1) The liability of a person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 7B, 8 or 9 does not require that person to make in respect of any one occurrence or event constituting a breach of that duty payments by way of compensation exceeding in the aggregate, apart from payments in respect of interest or costs—

- (a) the equivalent in sterling of 70 million euros, where the person is the licensee of a licensed site that is prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by that person as licensee of that licensed site that consists of—
  - (i) an occurrence or event on the licensed site, or
  - (ii) an occurrence or event elsewhere than on the licensed site involving nuclear matter other than excepted matter, where the nuclear matter in question satisfies the condition in section 7A(8) in relation to the licensee, without also satisfying any of the conditions in section 7A(2) to (7);
- (b) the equivalent in sterling of 70 million euros, where the person is the operator of a relevant disposal site that is a site prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by that person as the operator of that relevant disposal site that consists of—
  - (i) an occurrence or event on the relevant disposal site, or
  - (ii) an occurrence or event elsewhere than on the relevant disposal site involving nuclear matter other than excepted matter, where the nuclear matter in question satisfies the condition in section 7A(8) (as applied by section 7B) in relation to the operator, without also satisfying any of the conditions in section 7A(2) to (7) (as applied by section 7B);
- (c) the equivalent in sterling of 160 million euros, where the person is the licensee of a licensed site that is prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by the person as licensee of that licensed site that consists of—
  - (i) an occurrence or event on the licensed site, or
  - (ii) an occurrence or event elsewhere than on the licensed site involving nuclear matter other than excepted matter, where the nuclear matter in question

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(1) 1965 c.57. Section 16(1) was amended by the Energy Act c.25, section 27(1) and S.I. 1994/909, article 2. The function conferred by section 16(1) is, in so far as it is exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers (S.I. 1999/1750, article 4 and Schedule 3).

satisfies the condition in section 7A(8) in relation to the licensee, without also satisfying any of the conditions in section 7A(2) to (7);

- (d) the equivalent in sterling of 80 million euros, in the case of an occurrence or event involving nuclear matter which is not excepted matter and which is either in the course of such carriage as is described in section 7A(2)(a), (3)(a), (4)(a), (5)(a) or (7)(a) or in such case as is described in section 7A(6)(c) or (7)(b), where—
  - (i) the nuclear matter in question meets such conditions as are prescribed for the purposes of this paragraph or such conditions specific to the means of carriage used as are prescribed for the purposes of this paragraph, and
  - (ii) that occurrence or event constitutes a breach of duty by a licensee as licensee of a licensed site;
- (e) the equivalent in sterling of 80 million euros, in the case of an occurrence or event involving nuclear matter which is not excepted matter and which is either in the course of such carriage as is described in section 7A(2)(a), (3)(a), (4)(a), (5)(a) or (7)(a) (as applied by section 7B) or in such case as is described in section 7A(6)(c) or (7)(b) (as applied by section 7B), where—
  - (i) the nuclear matter in question meets such conditions as are prescribed for the purposes of this paragraph or such conditions specific to the means of carriage used as are prescribed for the purposes of this paragraph, and
  - (ii) that occurrence or event constitutes a breach of duty by the operator of a relevant disposal site in that capacity;
- (f) subject to section 16B, the equivalent in sterling of 1,200 million euros, in any other case.

(1ZA) Notwithstanding subsection (1), if the amount payable by a person in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on that person by section 7, 7B, 8 or 9 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of 700 million euros, that person is not required to satisfy further claims for compensation except to the extent that they are special relevant claims.

(1ZB) Notwithstanding subsection (1), if—

- (a) the amount payable by a person in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on that person by section 7, 7B, 8 or 9 reaches, in the aggregate and apart from interest or costs, the amount in sterling that is—
  - (i) the limit on liability established by the law of a relevant reciprocating territory made for purposes corresponding to those of subsection (1ZA), or
  - (ii) the equivalent in sterling of an amount denominated in another currency or unit of account that is the limit on liability established by the law of a relevant reciprocating territory made for such purposes, and
- (b) that amount in sterling is less than the amount that would apply if the applicable limit were the limit in subsection (1ZA),

that person is not required to satisfy further claims for compensation to the extent that they are referable to that relevant reciprocating territory.”

(3) In subsection (1A)(2) (power of Secretary of State to alter amounts)—

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(2) Section 16(1A) was inserted by the Energy Act 1983 c.25, section 27(2). The function conferred by section 16(1A) is, in so far as it is exercisable in or as regards Scotland, only exercisable after consultation with the Scottish Ministers (S.I. 1999/1750, article 4 and Schedule 3).

- (a) for “either or both of the amounts specified in subsection (1) of this section” substitute “any amount specified in subsection (1), (1ZA) or (3B)”, and
  - (b) for the words “any occurrence before (or beginning before)” substitute “an occurrence or event happening before (or beginning to happen before)”.
- (4) In subsection (2) (liability of a relevant foreign operator for breach of a duty imposed by section 10)—
- (a) after “occurrence” (in both places) insert “or event”;
  - (b) in paragraph (a), after “section 7,” insert “7B,”.
- (5) At the end of the section insert—
- “(6) Before exercising any function under subsection (1) or (1A) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
  - (7) A reference in this section to the equivalent in sterling of an amount denominated in another currency or unit of account is a reference to the amount of sterling that is the equivalent of that amount in that currency or those units on the day (or the first day) of the occurrence or event in question.”