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STATUTORY INSTRUMENTS

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**2016 No. 562**

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

**Section 16 of the 1965 Act: supplementary**

**21.** After section 16 of the 1965 Act insert—

**“16A Section 16: supplementary**

- (1) This section applies for the purposes of section 16.
- (2) A claim for compensation under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 is referable to a relevant reciprocating territory if—
  - (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (3),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (3), or
  - (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (3).
- (3) The injury, damage and significant impairment of the environment referred to in subsection (2) are—
  - (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of that relevant reciprocating territory;
  - (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of that relevant reciprocating territory;
  - (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in that relevant reciprocating territory.
- (4) A claim for compensation under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 is a special relevant claim if—
  - (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (5),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (5), or
  - (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (5).

- (5) The injury, damage and significant impairment of the environment referred to in subsection (4) are—
- (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of the United Kingdom or a special relevant territory;
  - (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of the United Kingdom or a special relevant territory in connection with the exploitation or exploration of the natural resources of that exclusive economic zone or continental shelf;
  - (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in the United Kingdom or a special relevant territory;
  - (d) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by a national of the United Kingdom or a special relevant territory;
  - (e) injury or damage that is incurred outside the territorial limits of any country or territory by, or by persons or property on, an artificial island, installation or structure that is subject to the jurisdiction of the United Kingdom or a special relevant territory.
- (6) A relevant territory other than the United Kingdom is a special relevant territory if—
- (a) in the case of a relevant territory that is a country, the law of the country satisfies the conditions in subsection (7), or
  - (b) in the case of a relevant territory that is an overseas territory of a country—
    - (i) the law of the country makes (or the laws of the country and overseas territory make) such provision with respect to the overseas territory as is described in subsection (7) with respect to the country, and
    - (ii) the relevant international agreement in pursuance of which that provision is made applies for the time being to the overseas territory.
- (7) The conditions referred to in subsection (6)(a) are—
- (a) that the law of the country makes provision, in pursuance of a relevant international agreement, for sums additional to those mentioned in section 18(1) (a) to be made available out of public funds;
  - (b) that the law of the country makes provision, in pursuance of that relevant international agreement, for the maximum aggregate amount of compensation in respect of an occurrence or event to be equal to or more than that specified in section 18(1A).
- (8) A reference in this section to a national of the United Kingdom—
- (a) includes a reference to—
    - (i) a public authority,
    - (ii) a body incorporated under the law of any part of the United Kingdom,
    - (iii) an unincorporated body established under the law of any part of the United Kingdom, and
    - (iv) a trust the validity of which is governed by the law of a part of the United Kingdom;
  - (b) as regards individuals, is a reference to—

- (i) a British citizen, a British overseas territory citizen, a British National (Overseas) or a British Overseas citizen;
  - (ii) a British subject under the British Nationality Act 1981; or
  - (iii) a British protected person within the meaning of that Act.
- (9) In this section—
- “national”, in relation to a special relevant territory, includes—
- (a) that special relevant territory and any part of it,
  - (b) a public or private body established in the special relevant territory or part of it, whether a body corporate or not,
  - (c) a partnership established in the special relevant territory or part of it, and
  - (d) a trust the validity of which is governed by the law of the special relevant territory;
- “public authority” has the same meaning as in section 11A.”