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STATUTORY INSTRUMENTS

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**2016 No. 562**

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

**Right of Secretary of State or foreign government to intervene**

27.—(1) After section 17A of the 1965 Act (inserted by article 26) insert—

**“17B Right of the Secretary of State to intervene**

(1) If it appears to the Secretary of State that the condition in subsection (2) is satisfied as regards proceedings brought in any part of the United Kingdom, the Secretary of State is entitled, on giving notice to the court, to be joined as a party to those proceedings.

(2) The condition is that—

- (a) a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 is alleged in the proceedings,
- (b) the effect of any of sections 7 to 21 and Schedule 1A is in issue in the proceedings, or
- (c) a matter relating to a relevant international agreement is in issue in the proceedings.

(3) The Secretary of State may give notice under subsection (1) at any time during the proceedings.”

(2) After section 17B of the 1965 Act (inserted by paragraph (1)) insert—

**“17C Right of a foreign government to intervene**

(1) If the conditions in subsection (2) are satisfied as regards proceedings brought in any part of the United Kingdom, the government of a country that is a special relevant territory is entitled, on giving notice to the court, to be joined as a party to those proceedings.

(2) The conditions are that—

- (a) a breach of a duty imposed on a relevant foreign operator by section 10 is alleged in the proceedings, and
- (b) the site by reference to which the condition in section 10(4) is alleged to be satisfied is a relevant site of the relevant foreign operator within the territorial limits of the special relevant territory or any overseas territory of that territory that is itself a special relevant territory.

(3) Notice under subsection (1) may be given at any time during the proceedings.”