
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Making United Kingdom funds available to satisfy claims for compensation

30.—(1) Section 18 of the 1965 Act (general cover for compensation by virtue of sections 7 to 10) is amended as follows.

(2) In subsection (1)(1) (obligation of the United Kingdom to make funds available for satisfying claims within the Paris Convention and Brussels Supplementary Convention and calculation of the sums to be made available)—

- (a) after “occurrence”, in each place, insert “or event”;
- (b) after “section 7,” insert “7B,”;
- (c) for “subject to subsections (2) to (4B) of this section” substitute “subject to subsections (1C) to (4B)”;
- (d) in paragraph (a), after “claims” insert “of that category”;
- (e) for “made within the relevant period” substitute “made within the limitation period applicable to the claim”.

(3) After subsection (1) insert—

“(1ZA) For the purposes of subsection (1), the limitation period applicable to a claim is—

- (a) subject to paragraphs (b) to (d), the period of 10 years beginning with the relevant date;
- (b) subject to paragraphs (c) and (d), in the case of a claim in respect of such injury as is described in section 15(3) or (4), the period of 30 years beginning with the relevant date;
- (c) in the case of a claim that may be entertained in accordance with section 15(6), a period beginning with the relevant date and ending in accordance with section 15(6)(b);
- (d) in the case of a claim by virtue of such a relevant foreign law as is mentioned in subsection (1) that may be entertained in accordance with provisions of that law made for purposes corresponding to section 15(6), the period applying to that claim by virtue of such provisions of that law.

(1ZB) In subsection (1ZA) references to the relevant date are to be construed in accordance with section 15(8).”

(4) In subsection (1A)(2) (the aggregate amount of money to be made available from United Kingdom funds and other sources described in subsection (1))—

- (a) for “300 million special drawing rights” substitute “1,500 million euros”;
- (b) in paragraph (a), after “the occurrence” insert “or event”;

(1) 1965 c.57. Section 18(1) was amended by the Energy Act 1983 c.25, section 28(1) and the Atomic Energy Act 1989 c.7, section 3.
(2) Section 18(1A) was inserted by the Energy Act 1983 c.25, section 28(2).

- (c) in paragraph (b), after “the occurrence” insert “or event”.
- (5) In subsection (1B)(3) (power to increase the aggregate amount)—
 - (a) for “special drawing rights” substitute “euros”;
 - (b) for “an occurrence before (or beginning before)” substitute “an occurrence or event happening before (or beginning to happen before)”.
- (6) After subsection (1B) insert—

“(1C) The reference in subsection (1)(a) to the funds required by section 19(1) to be available for the purpose of satisfying claims of a particular category is to be treated, in the case of claims in respect of an occurrence or event to which section 16(1)(f) applies, as a reference to such funds as are required by section 19(1) to be so available at the time when the occurrence or event in question happens or begins to happen.”
- (7) After subsection (1C) (inserted by paragraph (6)) insert—

“(1D) Subsection (1) does not apply to a claim that need not be satisfied, or to so much of a claim as need not be satisfied, because of—

 - (a) section 16(1ZA) or (1ZB),
 - (b) a relevant foreign law made for purposes corresponding to those of section 16(1ZA) or (1ZB) which is given effect by section 16(2), or
 - (c) section 16(3B) or (3C).

(1E) Subsection (1) does not apply to a claim that need not be satisfied, or to so much of a claim as need not be satisfied, because of any relevant foreign law made for purposes corresponding to those of the provisions mentioned in subsection (1D).”
- (8) After subsection (5) insert—

“(5A) Before exercising the function under subsection (1B) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.”
- (9) Omit subsection (6) (definition of “the relevant period”).

(3) Section 18(1B) was inserted by the Energy Act 1983 c.25, section 28(2). The function conferred by section 18(1B) 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).