
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Making United Kingdom funds available: limits and exceptions

31.—(1) Section 18 of the 1965 Act is further amended as follows.

(2) In subsection (2) (no contribution from United Kingdom funds for claims that are available under a relevant foreign law but are not claims within the Paris Convention), for the words from “in respect” to the end substitute—

“if—

- (a) the injury, damage or significant impairment of the environment is incurred within the territorial limits of a country or territory that is not a qualifying territory,
- (b) the injury, damage or significant impairment of the environment is incurred in, under or above the sea but not—
 - (i) within the territorial limits of any country or territory,
 - (ii) in or above the sea within the exclusive economic zone of any qualifying territory, or
 - (iii) on the continental shelf of any qualifying territory,
- (c) in relation to compensation that would but for this subsection be claimed under such provision of the relevant foreign law as is made for purposes corresponding to section 11H, the measures in question were or would be taken in a place by reference to which compensation is excluded by paragraph (a) or (b).

(2A) The exceptions that have effect by virtue of—

- (a) paragraph (b) of subsection (2), or
- (b) paragraph (c) of subsection (2) so far as it relates to paragraph (b),

do not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in a qualifying territory.”

(3) In subsection (4)(1) (no contribution from United Kingdom funds for claims based on a relevant foreign law but not made within a limitation period imposed by that law), for “the relevant period” substitute “the limitation period mentioned in paragraph (a) or (as the case may be) paragraph (b) of subsection (1ZA)”.

(4) After subsection (4) insert—

“(4ZA) But a claim is not to be left out of account for the purposes of subsection (1) if it may be entertained as described in subsection (1ZA)(d) and is made within the limitation period applicable to that claim.”

(5) Omit subsection (4A)(2) (provision for countries that are party to the Brussels Supplementary Convention with transitional lower compensation level).

(6) In subsection (4B)(3) (limited contribution from United Kingdom funds where claims fall to be adjudicated in a country or territory that is bound only by the Paris Convention)—

(1) Section 18(4) was amended by the Energy Act 1983 c.25, section 28(3).
(2) Section 18(4A) was inserted by the Energy Act 1983 c.25, section 28(3).
(3) Section 18(4B) was inserted by the Energy Act 1983 c.25, section 28(3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) for “make the provision mentioned in subsection (4A)(a) of this section” substitute “provide in pursuance of a relevant international agreement for sums additional to those mentioned in subsection (1)(a) to be made available out of public funds”;
- (b) after “any occurrence” insert “or event”;
- (c) in paragraphs (a) and (b), after “a licensee,” (in both places) insert “an operator of a relevant disposal site,”;
- (d) in paragraph (b), for the words from “were substituted” to the end substitute “were substituted a reference to the amount specified in section 16(1ZA) or, if more than one such person were liable, to that amount multiplied by the number of those persons.”