
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Cover for compensation in respect of damage to means of carriage

35.—(1) Section 21 of the 1965 Act (supplementary provisions with respect to cover for compensation in respect of carriage) is amended as follows.

(2) In subsection (1)(1) (claims in respect of damage to the means of carriage to be satisfied after other claims)—

- (a) after “an occurrence” insert “or event”;
- (b) in paragraph (a), after “section 7,” insert “7B.”;
- (c) in paragraph (b), after “a licensee,” insert “an operator of a relevant disposal site.”;
- (d) in the words after paragraph (b), after “of that occurrence” insert “or event”;
- (e) for “5 million special drawing rights” substitute “80 million euros”;
- (f) for the words from “of all claims” to the end substitute—

“of all claims falling within subsection (1ZA).

(1ZA) The claims are those which have been or may be duly established against the same person in respect of—

- (a) injury, damage or significant impairment of the environment caused by the occurrence mentioned in subsection (1), other than damage to the means of transport in question, or
- (b) a grave and imminent threat of injury, damage or significant impairment of the environment caused by the event mentioned in subsection (1), other than a grave and imminent threat of damage to the means of transport in question.”

(3) In subsection (1A)(2) (increase in amount in subsection (1))—

- (a) for “special drawing rights” substitute “euros”;
- (b) for “any occurrence before (or beginning before)” substitute “any occurrence or event happening before (or beginning to happen before)”.

(4) In subsection (2) (relevant foreign operator may be sued regardless of section 12)—

- (a) after “occurrence” insert “or event”;
- (b) for “section 12(1)(b) of this Act” substitute “section 12(1E)”.

(5) In subsection (3)(3) (requirement for a licensee to give to the person transporting the licensee’s nuclear matter a document containing certain details issued by or on behalf of the insurer or other

(1) Section 21(1) was amended by the Energy Act 1983 c.25, section 29(1).

(2) Section 21(1A) was inserted by the Energy Act 1983 c.25, section 29(2). The function conferred by section 21(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).

(3) Section 21(3) was amended as regards England and Wales by the Criminal Justice Act 1982 c.48, sections 37, 38 and 46; as regards Scotland by the Criminal Procedure (Scotland) Act 1975 c.21, sections 289F and 289G; and as regards Northern Ireland by S.I. 1984/703 (N.I.3), articles 5(2) and 9. The function conferred by section 21(3) 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).

person who is providing the cover for claims that might be made by virtue of section 7 etc or relevant foreign law etc)—

- (a) for the words from “carried by” to “the operator” substitute “carried in circumstances such that, while the matter is in the course of carriage, a particular licensee, a particular operator of a relevant disposal site, the Authority, a particular government department or a particular relevant foreign operator”;
 - (b) after “section 7,” insert “7B,”.
- (6) In subsection (4)(4) (identification of the insurer or other person who is providing cover for claims)—
- (a) in paragraph (a), after “a licensee” insert “or an operator of a relevant disposal site”;
 - (b) in paragraph (b), for “the Minister of Technology” substitute “the Secretary of State”.
- (7) After subsection (4A) insert—
- “(4B) Before exercising the function under subsection (1A) or the function under subsection (3) of prescribing particulars in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.”
- (8) In subsection (5)(5) (disapplication of provisions of the Road Traffic Act 1988), after “section 7,” insert “7B,”.

(4) Section 21(4) was amended by [S.I. 1999/1820](#), Schedule 2, Part 1, paragraph 38(3).
(5) Section 21(5) was amended by [S.I. 1987/2171](#), regulation 5. The reference in section 21(5) to Part VI of the Road Traffic Act 1960 [c.16](#) is to be construed as a reference to Part VI of the Road Traffic Act 1988 [c.52](#) by virtue of section 2(4) of the Road Traffic Act (Consequential Provisions) Act 1988 [c.54](#) and before that Schedule 10, paragraph 3 of the Road Traffic Act 1972 [c.20](#).