

SCHEDULE 2

Further amendments

PART 1

Primary legislation

Congenital Disabilities (Civil Liability) Act 1976

2.—(1) Section 3 of the Congenital Disabilities (Civil Liability) Act 1976⁽¹⁾ (disabled birth due to radiation) is amended as follows.

(2) In subsection (1), for the words from “respect of” to the end substitute—
“respect of—

- (a) injury, damage or significant impairment of the environment caused by occurrences involving nuclear matter or the emission of ionising radiations, or
- (b) injury or damage caused by preventive measures taken after a breach of duty under section 7, 7B, 8, 9 or 10 of that Act.”.

(3) In subsection (3)—

- (a) after “parents” insert “that is”;
- (b) after “etc)” insert “or that is an injury falling within subsection (3A)”.

(4) After subsection (3) insert—

“(3A) An injury falls within this subsection if—

- (a) it is caused by ionising radiations, and
- (b) exposure to those ionising radiations is the result of preventive measures having been taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of that Act.”.

(5) In subsection (4)—

- (a) for “13(6)” substitute “13(7)”;
- (b) for the words from “reference” to “fault of” substitute “references in section 13(7) to a person’s act or omission were references to the act or omission of”.

(1) 1976 c.28.