



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

An Act to consolidate the Nuclear Installations Acts 1959 and 1965. [5th August 1965]

### Modifications etc. (not altering text)

- C1** Act other than ss. 1-6, 22 modified (E.W.) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF 8\)](#), s. 3, [Sch. para.6\(1\)](#)  
Act extended (1.1.2000) by [S.I. 1999/3232](#), [regs. 4\(3\)](#), 6(1)(b).
- C2** Act explained (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\)](#), [s. 3\(2\)](#); extended (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\)](#), [s. 3\(3\)](#); modified (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\)](#), [s. 4\(4\)](#)
- C3** Functions of Minister of Power under this Act now exercisable by Secretary of State: [S.I. 1969/1498](#) and [1970/1537](#)
- C4** Functions of Minister of Technology under this Act now exercisable by Secretary of State: [S.I. 1970/1537](#)
- C5** Act: certain functions transferred (E.W.S) (15.11.1999) by [1999/2786](#), art. 2
- C6** [Act](#) power to modify conferred (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), [ss. 76](#), 198(2); [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

### Commencement Information

- II** Act wholly in force at 1. 12. 1965

## CONTROL OF CERTAIN NUCLEAR INSTALLATIONS AND OPERATIONS

### 1 Restriction of certain nuclear installations to licensed sites.

- (1) Without prejudice to the requirements of any other Act, no person . . . <sup>F1</sup>shall use any site for the purpose of installing or operating—
- (a) any nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or

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- (b) subject to subsection (2) of this section, any other installation of such class or description as may be prescribed, being an installation designed or adapted for—
- (i) the production or use of atomic energy; or
  - (ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or
  - (iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel,
- unless a licence so to do (in this Act referred to as a “nuclear site licence”) has been granted in respect of that site by the Minister and is for the time being in force.
- (2) Regulations made by virtue of paragraph (b) of the foregoing subsection may exempt, or make provision for exempting, from the requirements of that subsection, either unconditionally or subject to prescribed conditions, any installation which the Minister is satisfied is not, or if the prescribed conditions were complied with would not be, a relevant installation.
- (3) Any person who contravenes subsection (1) of this section shall be guilty of an offence <sup>F2</sup>and be liable—
- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both.]

#### Textual Amendments

- F1** Words repealed by S.I. 1990/1918, reg. 2, **Sch. para. 1**  
**F2** Words repealed (E.W.)(S.) by S.I. 1974/2056

#### Modifications etc. (not altering text)

- C7** S. 1 modified (N.I.) by S.I. 1978/1039 (N.I. 9), arts. 2(2), 3, **Sch. 1**  
**C8** S. 1 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4  
 S. 1 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62  
**C9** S. 1 modified (E.W.) by Atomic Weapons Establishment Act 1991 (c. 46, SIF 8), s. 3, **Sch. para. 6(1)**  
**C10** S. 1 modified (7.3.1994) by S.R. 1994/1, **reg. 3**  
 S. 1 excluded (N.I.) (1.5.2000) by S.R. 2000/93, **reg. 3(3)(b)**  
**C11** S. 1(1) amended (E.W.)(S.) with the substitution for the reference to the Minister of a reference to the Health and Safety Executive by S.I. 1974/2056  
**C12** S. 1(1)(b)(2): functions made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, **Sch. 3** (with art. 7); S.I. 1998/3178, **art. 3**

## 2 Prohibition of certain operations except under permit.

- (1) Notwithstanding that a nuclear site licence is for the time being in force or is not for the time being required in respect thereof, no person other than the Authority shall use any site—

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- (a) for any treatment of irradiated matter which involves the extraction therefrom of plutonium or uranium; or
- (b) for any treatment of uranium such as to increase the proportion of the isotope 235 contained therein,

except under, and in accordance with the terms of, a permit in writing . . . <sup>F3</sup> granted by the Authority or a government department [<sup>F4</sup>and for the time being in force]; and any fissile material produced under such a permit shall be disposed of only in such manner as may be approved by the authority by whom the permit was granted.

[<sup>F5</sup>(1A) A permit granted under this section, unless it is granted by the Minister, shall not authorise the use of a site as mentioned in paragraph (a) or paragraph (b) of the foregoing subsection otherwise than for purposes of research and development.

(1B) Where a permit granted under this section by the Minister to a body corporate authorises such a use of a site for purposes other than, or not limited to, research and development, the Minister may by order direct that the provisions set out in Schedule 1 to this Act shall have effect in relation to that body corporate.

(1C) Any power conferred by this section to make an order shall include power to vary or revoke the order by a subsequent order; and any such power shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(1D) Any permit granted under this section by the Authority or by the Minister or any other government department may at any time be revoked by the Authority or by the Minister or that department, as the case may be, or may be surrendered by the person to whom it was granted.]

(2) Any person who contravenes [<sup>F6</sup>subsection (1) of this section] shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years or to both.

#### Textual Amendments

- F3** Words repealed by [Atomic Energy Authority Act 1971 \(c. 11\), s. 17\(1\)](#)
- F4** Words inserted by [Atomic Energy Authority Act 1971 \(c. 11\), s. 17\(1\)](#)
- F5** [S. 2\(1A\)–\(1D\)](#) added by [Atomic Energy Authority Act 1971 \(c. 11\), s. 17\(1\)](#)
- F6** Words substituted by [Atomic Energy Authority Act 1971 \(c. 11\), s. 17\(2\)](#)

#### Modifications etc. (not altering text)

- C13** [S. 2](#) modified (E.W.) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF 8\), s. 3, Sch. para. 6\(1\)](#)
- C14** [S. 2](#): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750, arts. 1\(1\), 2, Sch. 1 \(with art. 7\); S.I. 1998/3178, art. 3](#)

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## NUCLEAR SITE LICENCES

### 3 Grant and variation of nuclear site licences.

- (1) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable.
- [<sup>F7</sup>(1A) The Health and Safety Executive shall consult the appropriate Agency before granting a nuclear site licence in respect of a site in Great Britain.]
- (2) Two or more installations in the vicinity of one another may, if the Minister thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.
- (3) Subject to subsection (4) of this section, where it appears to the Minister appropriate so to do in the case of any application for a nuclear site licence in respect of any site, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say—
- (a) any local authority;
  - [<sup>F8</sup>(b) <sup>F9</sup> . . . any water undertaker or any local fisheries committee;]
  - (c) any river purification board within the meaning of the <sup>M1</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951, any district board constituted under the Salmon Fisheries (Scotland) Acts 1828, to 1868, the board of commissioners appointed under the <sup>M2</sup>Tweed Fisheries Act 1857, and [<sup>F10</sup>Scottish Water]; and
  - (d) any other body which is a public [<sup>F11</sup>or local] authority;
- notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence, and stating that representations with respect thereto may be made to the Minister by the body upon whom the notice is served at any time within three months of the date of service; and where such a direction has been given, the Minister shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices.
- [<sup>F12</sup>(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station where a consent under section 36 of the Electricity Act 1989 or [<sup>F13</sup>Article 39 of the Electricity (Northern Ireland) Order 1992] is required for the operation of the station.]
- (5) A nuclear site licence may include provision with respect to the time from which section 19(1) of this Act is to apply in relation to the licensed site, and where such provision is so included the said section 19(1) shall not apply until that time or the first occasion after the grant of the licence on which any person uses the site for the operation of a nuclear installation, whichever is the earlier [<sup>F14</sup>provided that no such provision shall be so included without the consent of the Secretary of State].
- (6) The Minister may from time to time vary any nuclear site licence by excluding therefrom any part of the licensed site—
- (a) which the licensee no longer needs for any use requiring such a licence; and
  - (b) with respect to which the Minister is satisfied that there is no danger from ionising radiations from anything on that part of the site.
- [<sup>F15</sup>(6A) The Health and Safety Executive shall consult the appropriate Agency before varying a nuclear site licence in respect of a site in Great Britain, if the variation relates to or

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affects the creation, accumulation or disposal of radioactive waste, within the meaning of the <sup>M3</sup>Radioactive Substances Act 1993.]

#### Textual Amendments

- F7** S. 3(1A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 7(1)**, (with ss. 7(6), 115, 117); **S.I. 1996/186, art.3**
- F8** S. 3(3)(b) substituted (E.W.) by **Water Act 1989 (c. 15, SIF 130)**, ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 189(4)–(10), 190, 193(1), **Sch. 25 para. 33**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6)**, **58**
- F9** Words in s. 3(3)(b) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), **Sch. 22 para. 7(2)**, **Sch. 24** (with ss. 7(6), 115, 117); **S.I. 1996/186, art. 3**
- F10** Words in s. 3(3)(c) substituted (14.7.2004) by **Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822)**, art. 1(1), **Sch. para. 5**
- F11** Words repealed (S) by **Local Government (Scotland) Act 1973 (c. 65)**, **Sch. 29**
- F12** S. 3(4) substituted by **Electricity Act 1989 (c. 29, SIF 44:1)**, ss. 112(1)(3), **Sch. 16 para. 11**, **Sch. 17 para. 33**
- F13** Words in s. 3(4) substituted (1.4.1992) by **S.I. 1992/231 (N.I. 1)**, art. 95(1), **Sch. 12 para. 6**; **S.R. 1992/117, art. 3(1)**.
- F14** Words added (E.W.)(S.) by **S.I. 1974/2056**
- F15** S. 3(6A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 7(3)**, (with ss. 7(6), 115, 117); **S.I. 1996/186, art.3**

#### Modifications etc. (not altering text)

- C15** S. 3 modified (N.I.) by **S.I. 1978/1039 (N.I. 9)**, arts. 2(2), 3, **Sch. 1**
- C16** S. 3 saved by virtue of Health and Safety at **Work Act 1974 (c. 37, SIF 43:3)**, s. 53, **Sch. 1** and **Tay Road Bridge Order Confirmation Act 1991 (c. iv)**, **Sch. Pt. VII**, s. 62
- C17** S. 3 modified (7.3.1994) by **S.R. 1994/1, reg. 3**
- C18** S. 3(1A) extended (Northern Ireland) (5.10.2004) by **Energy Act 2004 (c. 20)**, **ss. 78(1), 198(2)**; **S.I. 2004/2575, art. 2(1), Sch. 1**
- C19** S. 3(2)(3)(6) amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by **S.I. 1974/2056**
- C20** S. 3(6A) extended (Northern Ireland) (5.10.2004) by **Energy Act 2004 (c. 20)**, **ss. 78(1), 198(2)**; **S.I. 2004/2575, art. 2(1), Sch. 1**

#### Marginal Citations

- M1** 1951 c. 66.
- M2** 1857 c. cxlviii.
- M3** 1993 c. 12.

## 4 Attachment of conditions to licences.

(1) The Minister by instrument in writing shall on granting any nuclear site licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Minister to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision—

- (a) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site;

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- (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site;
  - (c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site;
  - (d) without prejudice to sections <sup>F16</sup>sections 13 and 16 of the Radioactive Substances Act 1993], with respect to the discharge of any substance on or from the site.
- (2) The Minister may at any time by instrument in writing attach to a nuclear site licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of nuclear matter.
- (3) The Minister may at any time by a further instrument in writing vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.
- <sup>F17</sup>(3A) The Health and Safety Executive shall consult the appropriate Agency—
- (a) before attaching any condition to a nuclear site licence in respect of a site in Great Britain, or
  - (b) before varying or revoking any condition attached to such a nuclear site licence,
- if the condition relates to or affects the creation, accumulation or disposal of radioactive waste, within the meaning of the <sup>M4</sup>Radioactive Substances Act 1993.]
- (4) While a nuclear site licence remains in force in respect of any site, the Minister shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his powers under the foregoing provisions of this section.
- (5) At all times while a nuclear site licence remains in force, the licensee shall cause copies of any conditions for the time being in force under this section to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions.
- (6) Any person who contravenes subsection (5) of this section, and, in the event of any contravention of any condition attached to a nuclear site licence by virtue of this section, the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence <sup>F18</sup>and be liable—
- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both;]
- and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of the said subsection (5) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding <sup>F19</sup>level 1 on the standard scale][<sup>F20</sup>level 2 on the standard scale]

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### Textual Amendments

- F16** Words in s. 4(1)(d) substituted (27.8.1993) by 1993 c. 12, ss. 42, 49(1), 51(2), **Sch. 4 para. 2** (with s. 46).
- F17** S. 4(3A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 8, (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F18** Words repealed (E.W.)(S.) by S.I. 1974/2056
- F19** Words substituted by virtue of S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F20** Words substituted (E.W.S.) by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

### Modifications etc. (not altering text)

- C21** S. 4 modified (N.I.) by S.I. 1978/1039 (N.I. 9), **arts. 2(2), 3, Sch. 1**
- C22** S. 4 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4
- C23** S. 4 amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by S.I. 1974/2056  
S. 4 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62
- C24** S. 4 modified (7.3.1994) by S.R. 1994/1, **reg. 3**
- C25** S. 4(3A) extended (Northern Ireland) (5.10.2004) by Energy Act 2004 (c. 20), **ss. 78(1), 198(2)**; S.I. 2004/2575, **art. 2(1), Sch. 1**

### Marginal Citations

- M4** 1993 c. 12.

## 5 Revocation and surrender of licences.

- (1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee.

[<sup>F21</sup>(1A) The Health and Safety Executive shall consult the appropriate Agency before revoking a nuclear site licence in respect of a site in Great Britain.]

- (2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector; and the Minister may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Minister may think fit for preventing or giving warning of any risk of injury to any person or damage to any property by ionising radiations from anything remaining on the site.

- (3) In this Act, the expression “period of responsibility” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with which ever of the following dates is the earlier, that is to say—

- (a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on that part thereof;

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- (b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part thereof is granted either to the same licensee or to some other person,  
except that it does not include any period during which section 19(1) of this Act does not apply in relation to the site.
- (4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence <sup>[F22]</sup>and be liable—
- (a) on summary conviction—
- (i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds;
- (ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both;]

and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of the said subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding <sup>[F23]</sup>level 1 on the standard scale<sup>[F24]</sup>level 2 on the standard scale]

- <sup>[F25]</sup>(5) For the purposes of subsection (4)(a) of this section, a conviction under section 2(4) of the Act of 1959 by reason of a contravention of a direction in force under section 2(2) of that Act shall be deemed to be a conviction of an offence under subsection (4) of this section.]

#### Textual Amendments

- F21** S. 5(1A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 9** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F22** Words repealed (E.W.)(S.) by S.I. 1974/2056
- F23** Words substituted by virtue of S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F24** Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F25** S. 5(5) repealed (E.W.)(S.) by S.I. 1974/2056

#### Modifications etc. (not altering text)

- C26** S. 5 modified (N.I.) by S.I. 1978/1039 (N.I. 9), arts. 2(2), 3, **Sch. 1**
- C27** S. 5 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4  
s. 5 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62
- C28** S. 5 amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by S.I. 1974/2056
- C29** S. 5 modified (7.3.1994) by S.R. 1994/1, **reg. 3**
- C30** S. 5(1A) extended (Northern Ireland) (5.10.2004) by Energy Act 2004 (c. 20), **ss. 78(1), 198(2)**; S.I. 2004/2575, **art. 2(1), Sch. 1**

## 6 Maintenance of list of licensed sites.

- (1) Subject to subsection (2) of this section, the Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted <sup>[F26]</sup>by him] and



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including a map or maps showing the position and limits of each such site, and make arrangements for the list or a copy thereof to be available for inspection by the public; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate.

- (2) The said list shall not be required to show any site or part of a site in the case of which—
- (a) no nuclear site licence is for the time being in force; and
  - (b) thirty years have elapsed since the expiration of the last licensee's period of responsibility.

#### Textual Amendments

**F26** Words repealed (E.W.)(S.) by [S.I. 1974/2056](#)

#### Modifications etc. (not altering text)

**C31** [S. 6](#) modified (N.I.) by [S.I. 1978/1039](#) (N.I. 9), arts. 2(2), 3, [Sch. 1](#)

**C32** [S. 6](#) amended by [S.I. 1988/1222](#), [regs. 3, 4](#); [1990/1380](#), arts. 3, 4

[S. 6](#) saved by virtue of Health and Safety at [Work Act 1974](#) (c. 37, SIF 43:3), s. 53, [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991](#) (c. iv), [Sch. Pt. VII](#), s.62

**C33** [S. 6](#) modified (7.3.1994) by [S.R. 1994/1](#), [reg. 3](#)

**C34** [S. 6](#): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 2, [Sch 1](#) (with [art. 7](#)); [S.I. 1998/3178](#), [art. 3](#)

## DUTY OF LICENSEE, ETC., IN RESPECT OF NUCLEAR OCCURRENCES

### 7 Duty of licensee of licensed site.

- (1) [<sup>F27</sup>Subject to subsection (4) below,]where a nuclear site licence has been granted in respect of any site, it shall be the duty of the licensee to secure that—
- (a) no such occurrence involving nuclear matter as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than the licensee, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter; and
  - (b) no ionising radiations emitted during the period of the licensee's responsibility—
    - (i) from anything caused or suffered by the licensee to be on the site which is not nuclear matter; or
    - (ii) from any waste discharged (in whatever form) on or from the site, cause injury to any person or damage to any property of any person other than the licensee.
- (2) The occurrences referred to in subsection (1)(a) of this section are—
- (a) any occurrence on the licensed site during the period of the licensee's responsibility, being an occurrence involving nuclear matter;
  - (b) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which at the time of the occurrence—
    - (i) is in the course of carriage on behalf of the licensee as licensee of that site; or

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- (ii) is in the course of carriage to that site with the agreement of the licensee from a place outside the relevant territories; and
- (iii) in either case, is not on any other relevant site in the United Kingdom;
- (c) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which—
  - (i) having been on the licensed site at any time during the period of the licensee’s responsibility; or
  - (ii) having been in the course of carriage on behalf of the licensee as licensee of that site,
 has not subsequently been on any relevant site, or in the course of any relevant carriage, or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory.
- (3) In determining the liability by virtue of subsection (1) of this section in respect of any occurrence of the licensee of a licensed site, any property which at the time of the occurrence is on that site, being—
  - (a) a nuclear installation; or
  - (b) other property which is on that site—
    - (i) for the purpose of use in connection with the operation, or the cessation of the operation, by the licensee of a nuclear installation which is or has been on that site; or
    - (ii) for the purpose of the construction of a nuclear installation on that site,
 shall, notwithstanding that it is the property of some other person, be deemed to be the property of the licensee.

[<sup>F28</sup>(4) Section 8 of this Act shall apply in relation to sites occupied by the Authority.]

#### Textual Amendments

- F27** Words inserted by [S.I. 1990/1918, reg. 2, Sch. para. 2\(a\)](#)  
**F28** S. 7(4) inserted by [S.I. 1990/1918, reg. 2, Sch. para. 2\(b\)](#)

## 8 Duty of Authority.

Section 7 of this Act shall apply in relation to the Authority—

- (a) as if any premises which are or have been occupied by the Authority were a site in respect of which a nuclear site licence has been granted to the Authority; and
- (b) as if in relation to any such premises any reference to the period of the licensee’s responsibility were a reference to any period during which the Authority is in occupation of those premises [<sup>F29</sup>; and section 7 shall so apply whether or not a nuclear site licence has been granted in respect of the premises in question.]

#### Textual Amendments

- F29** Words inserted by [S.I. 1990/1918, reg. 2, Sch. para. 3](#)

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## **9 Duty of Crown in respect of certain sites.**

If a government department uses any site for any purpose which, if section 1 of this Act applied to the Crown, would require the authority of a nuclear site licence in respect of that site, section 7 of this Act shall apply in like manner as if—

- (a) the Crown were the licensee under a nuclear site licence in respect of that site; and
- (b) any reference to the period of the licensee's responsibility were a reference to any period during which the department occupies the site.

## **10 Duty of certain foreign operators.**

(1) In the case of any nuclear matter which is not excepted matter and which—

- (a) is—
  - (i) in the course of carriage on behalf of a relevant foreign operator; or
  - (ii) in the course of carriage to such an operator's relevant site with the agreement of that operator from a place outside the relevant territories,

and is not for the time being on any relevant site in the United Kingdom; or

- (b) having been on such an operator's relevant site or in the course of carriage on behalf of such an operator, has not subsequently been on any relevant site or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

it shall be the duty of that operator to secure that no occurrence such as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than that operator, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

(2) The occurrences referred to in the foregoing subsection are—

- (a) an occurrence taking place wholly or partly within the territorial limits of the United Kingdom; or
- (b) an occurrence outside the said territorial limits which also involves nuclear matter in respect of which a duty is imposed on any person by section 7, 8 or 9 of this Act.

## **11 Duty of persons causing nuclear matter to be carried.**

Where any nuclear matter, not being excepted matter, is in the course of carriage within the territorial limits of the United Kingdom on behalf of any person (hereafter in this section referred to as "the responsible party") and—

- (a) the carriage is not relevant carriage; and
- (b) the nuclear matter is not for the time being on any relevant site,

it shall be the duty of the responsible party to secure that no occurrence involving that nuclear matter causes injury to any person or damage to any property of any person other than the responsible party, being injury or damage incurred within the said territorial limits and arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

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## RIGHT TO COMPENSATION IN RESPECT OF BREACH OF DUTY

### 12 Right to compensation by virtue of ss. 7 to 10.

- (1) Where any injury or damage has been caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act—
- (a) subject to sections 13(1), (3) and (4), 15 and 17(1) of this Act, compensation in respect of that injury or damage shall be payable in accordance with section 16 of this Act wherever the injury or damage was incurred;
  - (b) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.
- (2) Subject to subsection (3) of this section, any injury or damage which, though not caused in breach of such a duty as aforesaid, is not reasonably separable from injury or damage so caused shall be deemed for the purposes of subsection (1) of this section to have been so caused.
- (3) Where any injury or damage is caused partly in breach of such a duty as aforesaid and partly by an emission of ionising radiations which does not constitute such a breach, subsection (2) of this section shall not affect any liability of any person in respect of that emission apart from this Act, but a claimant shall not be entitled to recover compensation in respect of the same injury or damage both under this Act and otherwise than under this Act.
- [<sup>F30</sup>(3A) Subject to subsection (4) of this section, where damage to any property has been caused which was not caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act but which would have been caused in breach of such a duty if in subsection (1) (a) or (b) of the said section 7 the words "other than the licensee" or in subsection (1) of the said section 10 the words "other than that operator" had not been enacted, no liability which, apart from this subsection, would have been incurred by any person in respect of that damage shall be so incurred except—
- (a) in pursuance of an agreement to incur liability in respect of such damage entered into in writing before the occurrence of the damage; or
  - (b) where the damage was caused by an act or omission of that person done with intent to cause injury or damage.]
- (4) Subject to section 13(5) of this Act, nothing in subsection (1)(b) [<sup>F31</sup>or in subsection (3A)] of this section shall affect—
- (a) .....<sup>F32</sup>
  - (b) the operation of the <sup>M5</sup>Carriage by Air Act 1932, the <sup>M6</sup>Carriage by Air Act 1961 or the <sup>M7</sup>Carriage by Air (Supplementary Provisions) Act 1962 in relation to any international carriage to which a convention referred to in the Act in question applies; or
  - (c) the operation of any Act which may be passed to give effect to the Convention on the Contract for the International Carriage of Goods by Road signed at Geneva on 19th May 1956.

#### Textual Amendments

**F30** S. 12(3A) added by Nuclear Installations Act 1969 (c. 18), s. 1

**F31** Words inserted by Nuclear Installations Act 1969 (c. 18), s. 1

**F32** S. 12(4)(a) repealed by Carriage of Goods by Sea Act 1971 (c. 19), s. 6(3)(b)(5)

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#### Marginal Citations

- M5** 1932 c. 36.  
**M6** 1961 c. 27.  
**M7** 1962 c. 43.

### 13 Exclusion, extension or reduction of compensation in certain cases.

- (1) Subject to subsections (2) and (5) of this section, compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 7, 8, 9 or 10 thereof if the injury or damage—
  - (a) was caused by such an occurrence as is mentioned in section 7(2)(b) or (c) or 10(2)(b) of this Act which is shown to have taken place wholly within the territorial limits of one, and one only, of the relevant territories other than the United Kingdom; or
  - (b) was incurred within the territorial limits of a country which is not a relevant territory.
- (2) In the case of a breach of a duty imposed by section 7, 8 or 9 of this Act, subsection (1)(b) of this section shall not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in the United Kingdom.
- (3) Compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 10 of this Act in respect of such carriage as is referred to in subsection (1)(a)(ii) of that section unless the agreement so referred to was expressed in writing.
- (4) The duty imposed by section 7, 8, 9, 10 or 11 of this Act—
  - (a) shall not impose any liability on the person subject to that duty with respect to injury or damage caused by an occurrence which constitutes a breach of that duty if the occurrence, or the causing thereby of the injury or damage, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but
  - (b) shall impose such a liability where the occurrence, or the causing thereby of the injury or damage, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.
- (5) Where, in the case of an occurrence which constitutes a breach of a duty imposed by section 7, 8, 9 or 10 of this Act, a person other than the person subject to that duty makes any payment in respect of injury or damage caused by that occurrence and—
  - (a) the payment is made in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act; or
  - (b) the occurrence took place [<sup>F33</sup>or the injury or damage was incurred] within the territorial limits of a country which is not a relevant territory, and the payment is made by virtue of a law of that country and by a person who has his principal place of business in a relevant territory or is acting on behalf of such a person, the person making the payment may make the like claim under this Act for compensation of the like amount, if any, [<sup>F34</sup>(subject to subsection (5A) of this section)], as would have been available to him if—
    - (i) the injury in question had been suffered by him or, as the case may be, the property suffering the damage in question had been his; and

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(ii) subsection (1) of this section had not been passed.

[<sup>F35</sup>(5A) The amount that a person may claim by virtue of subsection (5) of this section shall not exceed the amount of the payment made by him and, in the case of a claim made by virtue of paragraph (b) of that subsection, shall not exceed the amount applicable under section 16(1) or (2) of this Act to the person subject to the duty in question.]

(6) The amount of compensation payable to or in respect of any person under this Act in respect of any injury or damage caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act may be reduced by reason of the fault of that person if, but only if, and to the extent that, the causing of that injury or damage is attributable to any act of that person committed with the intention of causing harm to any person or property or with reckless disregard for the consequences of his act.

#### Textual Amendments

**F33** Words inserted by [Nuclear Installations Act 1969 \(c. 18\), s. 3](#)

**F34** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\), s. 27\(3\)](#)

**F35** S. 13(5A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\), s. 27\(3\)](#)

#### Modifications etc. (not altering text)

**C35** [S. 13\(6\)](#) modified (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\), s. 3\(4\)](#)

## 14 Protection for ships and aircraft.

(1) A claim under this Act in respect of any occurrence such as is mentioned in section 7(2) (b) or (c), 10 or 11 of this Act which constitutes a breach of a person's duty under section 7, 8, 9, 10 or 11 of this Act shall not give rise to any lien or other right in respect of any ship or aircraft; and the following provisions of the <sup>M8</sup>Administration of Justice Act 1956 (which relate to the bringing of actions in rem against ships or aircraft in England and Wales, Scotland and Northern Ireland respectively), that is to say—

- (a) section 3(3) and (4);
- (b) section 47; and
- (c) paragraph 3(3) and (4) of Part I of Schedule 1,

.....<sup>F36</sup>, shall not apply to that claim.

(2) Subsection (1) of this section shall have effect in relation to any claim notwithstanding that by reason of section 16 of this Act no payment for the time being falls to be made in satisfaction of the claim.

#### Textual Amendments

**F36** Words repealed by [Merchant Shipping Act 1979 \(c. 39, SIF 111\), ss. 50\(4\), Sch. 7 Pt. 1](#)

#### Marginal Citations

**M8** [1956 c. 46.](#)

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## BRINGING AND SATISFACTION OF CLAIMS

### 15 Time for bringing claims under ss. 7 to 11.

- (1) Subject to subsection (2) of this section and to section 16(3) of this Act, but notwithstanding anything in any other enactment, a claim by virtue of any of sections 7 to 11 of this Act may be made at any time before, but shall not be entertained if made at any time after, the expiration of thirty years from the relevant date, that is to say, the date of the occurrence which gave rise to the claim or, where that occurrence was a continuing one, or was one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, the date of the last event in the course of that occurrence or succession of occurrences to which the claim relates.
- (2) Notwithstanding anything in subsection (1) of this section, a claim in respect of injury or damage caused by an occurrence involving nuclear matter stolen from, or lost, jettisoned or abandoned by, the person whose breach of a duty imposed by section 7, 8, 9 or 10 of this Act gave rise to the claim shall not be entertained if the occurrence takes place after the expiration of the period of twenty years beginning with the day when the nuclear matter in question was so stolen, lost, jettisoned or abandoned.

### 16 Satisfaction of claims by virtue of ss. 7 to 10.

- (1) The liability of any person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 8 or 9 thereof shall not require him to make in respect of any one occurrence constituting a breach of that duty payments by way of such compensation exceeding in the aggregate, apart from payments in respect of interest or costs, [<sup>F37</sup> [<sup>F38</sup>£140 million] or, in the case of the licensees of such sites as may be prescribed, [<sup>F38</sup>£10 million]].
- [<sup>F39</sup>(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase either or both of the amounts specified in subsection (1) of this section; but an order under this subsection shall not affect liability in respect of any occurrence before (or beginning before) the order comes into force.]
- (2) A relevant foreign operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence—
  - (a) if he would not have been required to make that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant foreign law made for purposes corresponding to those of section 7, 8 or 9 of this Act; or
  - (b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act and has not been made available under section 18 of this Act or by means of a relevant foreign contribution.
- (3) Any claim by virtue of a duty imposed on any person by section 7, 8, 9 or 10 of this Act—
  - (a) to the extent to which, by virtue of subsection (1) or (2) of this section, though duly established, it is not or would not be payable by that person; or
  - (b) which is made after the expiration of the relevant period; or

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- (c) which, being such a claim as is mentioned in section 15(2) of this Act, is made after the expiration of the period of twenty years so mentioned; or
- (d) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1) of this Act,

shall be made to the appropriate authority, that is to say—

- (i) in the case of a claim by virtue of the said section 8, the Minister of Technology;
- (ii) in the case of a claim by virtue of the said section 9 (other than a claim in connection with a site used by a department of the Government of Northern Ireland), the Minister in charge of the government department concerned [<sup>F40</sup>or where the government department concerned is a part of the Scottish Administration the Scottish Ministers];
- (iii) in any other case, the Minister,

and, if established to the satisfaction of the appropriate authority, and to the extent to which it cannot be satisfied out of sums made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, shall be satisfied by the appropriate authority to such extent and out of funds provided by such means as Parliament may determine.

- (4) Where in pursuance of subsection (3) of this section a claim has been made to the appropriate authority, any question affecting the establishment of the claim or as to the amount of any compensation in satisfaction of the claim may, if the authority thinks fit, be referred for decision to the appropriate court, that is to say, to whichever of the High Court, the Court of Session and the High Court of Justice in Northern Ireland would, but for the provisions of this section, have had jurisdiction in accordance with section 17(1) and (2) of this Act to determine the claim; and the claimant may appeal to that court from any decision of the authority on any such question which is not so referred; and on any such reference or appeal—
  - (a) the authority shall be entitled to appear and be heard; and
  - (b) notwithstanding anything in any Act, the decision of the court shall be final.
- (5) In this section, the expression “the relevant period” means the period of ten years beginning with the relevant date within the meaning of section 15(1) of this Act.

#### Textual Amendments

- F37** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 27\(1\)\(8\)](#)
- F38** Words in [s. 16\(1\)](#) substituted (1.4.1994) by virtue of [S.I. 1994/909](#), [art. 2](#)
- F39** [S. 16\(1A\)](#) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 27\(2\)](#)
- F40** Words in [s. 16\(3\)\(ii\)](#) inserted (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), [Sch. 2 Pt. I para. 38\(2\)](#) (with [art. 5](#)); [S.I. 1998/3178](#), [art. 3](#)

#### Modifications etc. (not altering text)

- C36** [S. 16\(1\)\(1A\)](#): functions made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by [S.I. 1999/1750](#), [arts. 1\(1\), 4](#), [Sch. 3](#) (with [art. 7](#)); [S.I. 1998/3178](#), [art. 3](#)

## 17 Jurisdiction, shared liability and foreign judgments.

- (1) No court in the United Kingdom or any part thereof shall have jurisdiction to determine any claim or question under this Act certified by the Minister to be a claim or question



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which, under any relevant international agreement, falls to be determined by a court of some other relevant territory or, as the case may be, of some other part of the United Kingdom; and any proceedings to enforce such a claim which are commenced in any court in the United Kingdom or, as the case may be, that part thereof shall be set aside.

- (2) Where under the foregoing subsection the Minister certifies that any claim or question falls to be determined by a court in a particular part of the United Kingdom, that certificate shall be conclusive evidence of the jurisdiction of that court to determine that claim or question.
- (3) Where by virtue of any one or more of the following, that is to say, sections 7, 8, 9 and 10 of this Act and any relevant foreign law made for purposes corresponding to those of any of those sections, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in the United Kingdom relating to that injury or damage, including proceedings for the enforcement of a judgment registered under the <sup>M9</sup>Foreign Judgments (Reciprocal Enforcement) Act 1933—
  - (a) both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage; and
  - (b) until claims against each of those persons in respect of the occurrence by virtue of which the person in question is liable for that injury or damage have been satisfied—
    - (i) in the case of a licensee, the Authority or the Crown, up to an aggregate amount [<sup>F41</sup>equal to that applicable to the person in question under section 16(1) of this Act]; or
    - (ii) in the case of a relevant foreign operator, up to such aggregate amount, . . . <sup>F42</sup>, as may be provided for by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act, no sums in excess of those required for the purposes of sub-paragraph (i) of this paragraph shall be required to be made available under section 18 of this Act for the purpose of paying compensation in respect of that injury or damage.
- (4) Part I of the said Act of 1933 shall apply to any judgment given in a court of any foreign country which is certified by the Minister to be a relevant foreign judgment for the purposes of this Act, whether or not it would otherwise have so applied, and shall have effect in relation to any judgment so certified as if in section 4 of that Act subsections (1)(a)(ii), (2) and (3) were omitted.
- (5) [<sup>F43</sup>Subject to subsection (5A) of this section] it shall be sufficient defence to proceedings in the United Kingdom against any person for the recovery of a sum alleged to be payable under a judgment given in a country outside the United Kingdom for that person to show that—
  - (a) the sum in question was awarded in respect of injury or damage of a description which is the subject of a relevant international agreement; and
  - (b) the country in question is not a relevant territory; and
  - (c) the sum in question was not awarded in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act.

[<sup>F44</sup>(5A) Subsection (5) of this section shall not have effect where the judgment in question is enforceable in the United Kingdom in pursuance of an international agreement.]

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- (6) Where, in the case of any claim by virtue of section 10 of this Act, the relevant foreign operator is the government of a relevant territory, then, for the purposes of any proceedings brought in a court in the United Kingdom to enforce that claim, that government shall be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of that government.

#### Textual Amendments

- F41** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(4)(a)**  
**F42** Words repealed by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(4)(b)**, Sch. 4 Pt. II  
**F43** Words in s 17(5) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **ss. 31, 37(3)**  
**F44** S. 17(5A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 31**

#### Modifications etc. (not altering text)

- C37** S. 17(1)(4): transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1), 2, Sch. 1** (with [art. 7](#)); [S.I. 1998/3178](#), **art. 3**

#### Marginal Citations

- M9** [1933 c. 13](#).

## COVER FOR COMPENSATION

### 18 General cover for compensation by virtue of ss. 7 to 10.

- (1) In the case of any occurrence in respect of which one or more persons incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant foreign law made for purposes corresponding to those of any of those sections, but subject to subsections (2) [<sup>F45</sup>to (4B)] of this section and to sections 17(3)(b) and 21(1) of this Act, there shall be made available out of moneys provided by Parliament such sums as, when aggregated—

- (a) with any funds required by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act to be available for the purpose of satisfying claims in respect of that occurrence against any licensee or relevant foreign operator; and
- (b) in the case of a claim by virtue of any such foreign law, with any relevant foreign contributions towards the satisfaction of claims in respect of that occurrence,  
<sup>F46</sup>; and
- (c) in the case of an occurrence in respect of which the Authority incurs liability, with any amounts payable under a contract of insurance or other arrangements for satisfying claims in respect of that occurrence against the Authority,]

may be necessary to ensure that all claims in respect of that occurrence made within the relevant period and duly established, excluding, but without prejudice to, any claim in respect of interest or costs, are satisfied up to [<sup>F47</sup>the aggregate amount specified in subsection (1A) of this section]

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- [<sup>F48</sup>(1A) The aggregate amount referred to in subsection (1) of this section is the equivalent in sterling of 300 million special drawing rights on—
- (a) the day (or first day) of the occurrence in question, or
  - (b) if the Secretary of State certifies that another day has been fixed in relation to the occurrence in accordance with an international agreement, that other day.
- (1B) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1A) of this section; but an order under this subsection shall not have effect in respect of an occurrence before (or beginning before) the order comes into force.]
- (2) Subsection (1) of this section shall not apply to any claim by virtue of such a relevant foreign law as is mentioned in that subsection in respect of injury or damage incurred within the territorial limits of a country which is not a relevant territory or to any claim such as is mentioned in section 15(2) of this Act which is not made within the period of twenty years so mentioned.
- (3) Where any claim such as is mentioned in subsection (1) of this section is satisfied wholly or partly out of moneys provided by Parliament under that subsection, there shall also be made available out of moneys so provided such sums as are necessary to ensure the satisfaction of any claim in respect of interest or costs in connection with the first-mentioned claim.
- [<sup>F49</sup>(4) In relation to liability by virtue of any relevant foreign law, there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the expiration of any period of limitation imposed by that law and permitted by a relevant international agreement.
- (4A) Where—
- (a) a relevant foreign law provides in pursuance of a relevant international agreement for sums additional to those referred to in subsection (1)(a) of this section to be made available out of public funds, but
  - (b) the maximum aggregate amount of compensation for which it provides in respect of an occurrence in pursuance of that agreement is less than that specified in subsection (1A) of this section,
- then, in relation to liability by virtue of that law in respect of the occurrence, subsection (1) of this section shall have effect as if for the reference to the amount so specified there were substituted a reference to the maximum aggregate amount so provided.
- (4B) Where a relevant foreign law does not make the provision mentioned in subsection (4A)(a) of this section, then in relation to liability by virtue of that law in respect of any occurrence—
- (a) subsection (1) of this section shall not have effect unless the person (or one of the persons) liable is a licensee, the Authority or the Crown; and
  - (b) if a licensee, the Authority or the Crown is liable, subsection (1) shall have effect as if for the reference to the amount specified in subsection (1A) there were substituted a reference to the amount which would be applicable to that person under section 16(1) of this Act in respect of the occurrence (or, if more than one such person is liable, to the aggregate of the amounts which would be so applicable) if it had constituted a breach of duty under section 7, 8 or 9 of this Act.]

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- (5) Any sums received by the Minister by way of a relevant foreign contribution towards the satisfaction of any claim by virtue of section 7, 8, 9 or 10 of this Act shall be paid into the Exchequer.
- (6) In this section, the expression “the relevant period” has the same meaning as in section 16 of this Act.

#### Textual Amendments

- F45** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(1)(a)**
- F46** S. 18(1)(c) and preceding word inserted by [Atomic Energy Act 1989 \(c. 7, SIF 8\)](#), **s. 3**
- F47** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(1)(b)**
- F48** S. 18(1A)(1B) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(2)**
- F49** S. 18(4)(4A)(4B) substituted for s. 18(4) by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 28(3)**

#### Modifications etc. (not altering text)

- C38** S. 18(1B): functions made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 4, **Sch. 3** (with art. 7); [S.I. 1998/3178](#), **art. 3**

## 19 Special cover for licensee’s liability.

- (1) Subject to section 3(5) of this Act and to subsection (3) of this section, where a nuclear site licence has been granted in respect of any site, the licensee shall make such provision (either by insurance or by some other means) as the Minister may with the consent of the Treasury approve for sufficient funds to be available at all times to ensure that any claims which have been or may be duly established against the licensee as licensee of that site by virtue of section 7 of this Act or any relevant foreign law made for purposes corresponding to those of section 10 of this Act (excluding, but without prejudice to, any claim in respect of interest or costs) are satisfied up to [<sup>F50</sup>the required amount] in respect of each severally of the following periods, that is to say—
- (a) the current cover period, if any;
  - (b) any cover period which ended less than ten years before the time in question;
  - (c) any earlier cover period in respect of which a claim remains to be disposed of, being a claim made—
    - (i) within the relevant period within the meaning of section 16 of this Act; and
    - (ii) in the case of a claim such as is mentioned in section 15(2) of this Act, also within the period of twenty years so mentioned;
- and for the purposes of this section the cover period in respect of which any claim is to be treated as being made shall be that in which the beginning of the relevant period aforesaid fell.

[<sup>F51</sup>(1A) In this section “the required amount”, in relation to the provision to be made by a licensee in respect of a cover period, means an aggregate amount equal to the amount applicable under section 16(1) of this Act to the licensee, as licensee of the site in question, in respect of an occurrence within that period.]

- (2) In this Act, the expression “cover period” means [<sup>F52</sup>subject to the following provisions of this section, the period of the licensee’s responsibility,] and for the purposes of this definition the period of the licensee’s responsibility shall be deemed to include any time after the expiration of that period during which it remains possible

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for the licensee to incur any liability by virtue of section 7(2)(b) or (c) of this Act, or by virtue of any relevant foreign law made for purposes corresponding to those of section 10 of this Act.

[<sup>F53</sup>(2A) When the amount applicable under section 16(1) of this Act to a licensee of a site changes as a result of—

- (a) the coming into force of an order under section 16(1A) or of regulations made for the purposes of section 16(1), or
- (b) an alteration relating to the site which brings it within, or takes it outside, the description prescribed by such regulations,

the current cover period relating to him as licensee of that site shall end and a new cover period shall begin.]

[<sup>F54</sup>(2B) The current cover period continues to run (and no new cover period begins) on the grant of a new nuclear site licence to the same licensee in respect of a site consisting of or including the site in respect of which his existing nuclear site licence is in force.]

- (3) Where in the case of any licensed site the provision required by subsection (1) of this section is to be made otherwise than by insurance and, apart from this subsection, provision would also fall to be so made by the same person in respect of two or more other sites, the requirements of that subsection shall be deemed to be satisfied in respect of each of those sites if funds are available to meet such claims as are mentioned in that subsection in respect of all the sites collectively, and those funds would for the time being be sufficient to satisfy the requirements of that subsection in respect of those two of the sites in respect of which those requirements are highest:

Provided that the Minister may in any particular case at any time direct either that this subsection shall not apply or that the funds available as aforesaid shall be of such amount higher than that provided for by the foregoing provisions of this subsection, but lower than that necessary to satisfy the requirements of the said subsection (1) in respect of all the sites severally, as may be required by the direction.

- (4) Where, by reason of the gravity of any occurrence which has resulted or may result in claims such as are mentioned in subsection (1) of this section against a licensee as licensee of a particular licensed site, or having regard to any previous occurrences which have resulted or may result in such claims against the licensee, the Minister thinks it proper so to do, he shall by notice in writing to the licensee direct that a new cover period for the purposes of the said subsection (1) shall begin in respect of that site on such date not earlier than two months after the date of the service of the notice as may be specified therein.
- (5) If at any time while subsection (1) of this section applies in relation to any licensed site the provisions of that subsection are not complied with in respect of that site, the licensee shall be guilty of an offence and be liable—
- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

#### Textual Amendments

**F50** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 27\(4\)](#)

**F51** [S. 19\(1A\)](#) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 27\(4\)](#)

**F52** Words substituted (*retrospectively*) by virtue of [Atomic Energy Act 1989 \(c. 7, SIF 8\)](#), [s. 4\(1\)\(a\)](#), (2)

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**F53** S. 19(2A) inserted by Energy Act 1983 (c. 25, SIF 44:1), s. 27(5)

**F54** S. 19(2B) inserted (*retrospectively*) by Atomic Energy Act 1989 (c. 7, SIF 8), s. 4(1)(b), (2)

**Modifications etc. (not altering text)**

**C39** S. 19 modified by Energy Act 1983 (c. 25, SIF 44:1), s. 27(8)

**C40** S. 19(1)(3)(4): transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch 1 (with art. 7); S.I. 1998/3178, art. 7

**20 Furnishing of information relating to licensee's cover.**

- (1) In the case of each licensed site, the licensee shall give notice in writing to the Minister forthwith upon its appearing to the licensee that the aggregate amount of any claims such as are mentioned in section 19(1) of this Act made in respect of any cover period falling within the period of the licensee's responsibility has reached [<sup>F55</sup>three-fifths of the required amount within the meaning of section 19]; and where the licensee has given such a notice, no payment by way of settlement of any claim in respect of the cover period in question by agreement between the licensee and the claimant shall be made except after consultation with the Minister and in accordance with the terms of any direction which the Minister may give to the licensee in writing with respect to any particular claim.
- (2) If in the case of any licensed site any cover period falling within the period of the licensee's responsibility has ended, the licensee shall not later than 31st January in each year send to the Minister in writing a statement showing the date when that cover period ended and the following particulars of any claims in respect of that cover period as at the beginning and end respectively of the last preceding calendar year, that is to say—
  - (a) the aggregate number of claims received;
  - (b) the aggregate number of claims established; and
  - (c) the aggregate number and aggregate amount of claims satisfied.
- (3) The Minister shall as soon as may be lay before each House of Parliament a copy of any notice received by him under subsection (1) of this section and a report (in such form as, having regard to section 16 of this Act, he may consider appropriate) with respect to any statements received by him under subsection (2) of this section.
- (4) Any person by whom any funds such as are mentioned in section 19(1) of this Act for the time being fall to be provided shall give to the Minister not less than two months notice in writing before ceasing to keep those funds available and, notwithstanding any such notice, so far as those funds relate to nuclear matter for the time being in the course of carriage, shall not so cease while that carriage continues.

**Textual Amendments**

**F55** Words substituted by Energy Act 1983 (c. 25, SIF 44:1), s. 27(6)

**Modifications etc. (not altering text)**

**C41** S. 20: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

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## **21 Supplementary provisions with respect to cover for compensation in respect of carriage.**

(1) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established—

- (a) against any person by virtue of section 7, 8, 9 or 10 of this Act; or
- (b) against a licensee, the Authority or the Crown by virtue of any relevant foreign law made for purposes corresponding to those of the said section 10,

then, without prejudice to any right of the claimant to the satisfaction of that claim, no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act, or which have been made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, such as to prevent the satisfaction out of those funds up to an aggregate amount [<sup>F56</sup>which is the equivalent in sterling (on the day, or first day, of that occurrence) of 5 million special drawing rights] of all claims which have been or may be duly established against the same person in respect of injury or damage caused by that occurrence other than damage to the said means of transport.

[<sup>F57</sup>(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1) of this section; but an order under this subsection shall not have effect in respect of any occurrence before (or beginning before) the order comes into force.]

(2) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established against a relevant foreign operator by virtue of section 10 of this Act, but by virtue of section 16(2)(a) thereof that operator is not required to make a payment in satisfaction of the claim, section 12(1)(b) of this Act shall not apply to any liability of that operator with respect to the damage in question apart from this Act.

(3) Where any nuclear matter is to be carried by, or on behalf or with the agreement of, a licensee, the Authority, a government department or a relevant foreign operator in such circumstances that, while the matter is in the course of that carriage, the licensee, the Authority, the Crown or the operator, as the case may be (in this and the next following subsection referred to as “the responsible party”) may incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant foreign law made for purposes corresponding to those of the said section 10, the responsible party shall, before the carriage is begun, cause to be delivered to the person who is to carry that matter a document issued by or on behalf of the appropriate person mentioned in the next following subsection (in this subsection referred to as “the guarantor”) which shall contain such particulars as may be prescribed of the responsible party, of that nuclear matter and carriage, and of the funds available in pursuance of, or of the relevant foreign law made for purposes corresponding to those of, section 18 or 19(1) of this Act to satisfy any claim by virtue of that liability, and the guarantor shall be debarred from disputing in any court any of the particulars stated in that document; and if in any case there is a wilful failure to comply with this subsection, the responsible party (except where that party is the Crown), and also, if the carrier knew or ought to have known the matter carried to be such matter for carriage in such circumstances as aforesaid, the carrier, shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F58</sup>level 3 on the standard scale].

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- (4) The person by whom or on whose behalf the document referred to in the last foregoing subsection is to be issued shall be—
- (a) where the responsible party is a licensee, the person by whom there fall to be provided the funds required by section 19(1) of this Act to be available to satisfy any claim in respect of the carriage in question;
  - (b) where the responsible party is the Authority, the Minister of Technology;
  - (c) where the responsible party is the Crown, the Minister in charge of the government department concerned [<sup>F59</sup>or in relation to any part of the Scottish Administration the Scottish Ministers];
  - (d) where the responsible party is a relevant foreign operator, the person by whom there fall to be provided the funds required by the relevant foreign law made for purposes corresponding to those of section 18 or 19(1) of this Act to be made available to satisfy any claim in respect of the carriage in question.

[<sup>F60</sup>(4A) Subsection (3) of this section shall not apply where the carriage in question is wholly within the territorial limits of the United Kingdom.]

- (5) The requirements of Part VI of the <sup>M10</sup>Road Traffic Act 1960 (which relates to compulsory insurance or security against third-party risks of users of motor vehicles) shall not apply in relation to any injury to any person [<sup>F61</sup>, or damage to the property of any person,] for which any person is liable by virtue of section 7, 8, 9 or 10 of this Act.

#### Textual Amendments

- F56** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 29(1)(4)**
- F57** S. 21(1A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 29(2)(4)**
- F58** Words substituted by virtue of (E. W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5(2), 9**
- F59** Words in s. 21(4)(c) inserted (1.7.1999) by [S.I. 1999/1820](#), **arts. 1(2), 4**, **Sch. 2 Pt I para. 38(3)** (with [art. 5](#)); [S.I. 1998/3178](#), **art. 3**
- F60** S. 21(4A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 29(3)(4)**
- F61** Words inserted by [S.I. 1987/2171](#), **reg. 5** and by [S.R. \(N.I.\) 1989/84](#), **reg. 5**

#### Modifications etc. (not altering text)

- C42** S. 21(1A)(3): functions made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by [S.I. 1999/1750](#), **arts. 1(1), 4**, **Sch. 3** (with [art. 7](#)); [S.I. 1998/3178](#), **art. 3**

#### Marginal Citations

- M10** 1960 c. 16.

## MISCELLANEOUS AND GENERAL

### 22 Reporting of and inquiries into dangerous occurrences.

- (1) The provisions of this section shall have effect on the happening of any occurrence of any such class or description as may be prescribed, being an occurrence—
- (a) on a licensed site; or



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- (b) in the course of the carriage of nuclear matter on behalf of any person where a duty with respect to that carriage is imposed on that person by section 7, 10 or 11 of this Act.
- (2) The licensee or person aforesaid shall cause the occurrence to be reported forthwith in the prescribed manner to the Minister and to such other persons, if any, as may be prescribed in relation to occurrences of that class or description, and if the occurrence is not so reported the licensee or person aforesaid shall be guilty of an offence <sup>F62</sup>and be liable on summary conviction—
- (a) in the case of a first offence under this subsection, to a fine not exceeding <sup>F63</sup>[fifty pounds;]<sup>F63</sup>[level 3 on the standard scale]
- (b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding <sup>F63</sup>[one hundred pounds;]<sup>F63</sup>[level 3 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.
- (3) For the purposes of subsection (2) of this section, a conviction under section 6(2) of the Act of 1959 shall be deemed to be a conviction under subsection (2) of this section.
- (4) The Minister may at any time direct an inspector to make a special report with respect to the occurrence, and the Minister may cause any such report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as he thinks fit.
- (5) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of <sup>F64</sup>[Schedule 2] to this Act into the occurrence and its causes, circumstances and effects; and any such inquiry shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.
- (6) ..... <sup>F65</sup>

#### Textual Amendments

- F62** Words repealed (E.W.)(S.) by [S.I. 1974/2056](#)
- F63** “level 3 on the standard scale” substituted (S.) for “fifty pounds” and “one hundred pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)
- F64** Words substituted by [Atomic Energy Authority Act 1971 \(c. 11\)](#), [s. 17\(3\)](#)
- F65** [S. 22\(6\)](#) repealed by [S.I. 1974/2056](#)

#### Modifications etc. (not altering text)

- C43** [S. 22](#) modified (N.I.) by [S.I. 1978/1039 \(N.I. 9\)](#), arts. 2(2), 3, [Sch. 1](#)
- C44** [S. 22](#) amended by [S.I. 1988/1222](#), [regs. 3, 4](#); [1990/1380](#), arts. 3, 4  
[S. 22](#) saved by virtue of [Health and Safety at Work Act 1974 \(c. 37, SIF 43:3\)](#), s. 53, [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), [Sch. Pt. VII](#), s.62
- C45** [S. 22](#) modified (7.3.1994) by [S.R. 1994/1](#), [reg. 3](#)
- C46** [S. 22\(1\)\(2\)](#): functions made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 4, [Sch. 3](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)
- C47** [S. 22\(2\)](#): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E. W.)
- C48** [S. 22\(2\)](#): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289E](#) (in relation to liability on first and subsequent convictions), applies (S.)
- C49** [S. 22\(2\)](#): [S.I. 1984/703 \(N.I. 3\)](#), [art. 9](#) (in relation to liability on first and subsequent convictions), art. 6 (increase of fines) and art. 5 (substitution of references to levels on the standard scale) apply (N.I.)

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- C50** S. 22(2) amended (E.W.)(S.) with the substitution for the reference to the Minister of a reference to the Health and Safety Executive by S.I. 1974/2056
- C51** S. 22(3)–(5) repealed (E.W.)(S.) by S.I. 1974/2056

## 23 Registration in connection with certain occurrences.

- (1) Without prejudice to any right of any person to claim against any person by virtue of any of sections 7 to 11 of this Act, the appropriate authority may, on the happening of any occurrence in respect of which liability may be incurred by virtue of any of those sections, by order make provision for enabling such particulars of any person shown to have been within such area during such period (being the period during which the occurrence took place) as may be specified in the order to be registered by or on behalf of that person in such manner as may be so specified, and any such registration in respect of any person shall be sufficient evidence of his presence within that area during that period unless the contrary is proved; and any such order shall be made by statutory instrument and be laid before Parliament after being made.
- (2) In the foregoing subsection, the expression “the appropriate authority” means, in relation to any occurrence, the authority hereinafter specified in relation to the person against whom any claim in respect of that occurrence falls to be made, that is to say—
- where that person is the Authority, the Minister of Technology;
  - where that person is the Crown, the Minister in charge of the government department concerned [<sup>F66</sup>or where any part of the Scottish Administration is concerned the Minister];
  - in any other case, the Minister.

### Textual Amendments

**F66** Words in s. 23(2)(b) inserted (1.7.1999) by S.I. 1999/1756, arts. 1(1), 2, Sch. para. 2

### Modifications etc. (not altering text)

**C52** S. 23: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 2 (with art. 7); S.I. 1998/3178, art. 3

[<sup>F67</sup>24

**E+W+S**

- (1) The Secretary of State may appoint as inspectors for the purpose of assisting him in the execution of the provisions of this Act, other than provisions which are mentioned in Schedule 1 to the <sup>M11</sup>Health and Safety at Work etc. Act 1974, such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- (2) Any such inspector may for that purpose exercise such of the powers set out in section 20(2) of the <sup>M12</sup>Health and Safety at Work etc. Act 1974 as are specified in his instrument of appointment and the provisions of sections 28 (restrictions on disclosure of information), 33 (offences) and 39 (prosecutions by inspectors) of that Act shall apply in the case of inspectors so appointed as they apply in the case of inspectors appointed under section 19 of that Act.

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- (3) In such cases and to such extent as it may appear to the Secretary of State, with the agreement of the Treasury, to be appropriate so to do, the Secretary of State shall require a licensee to repay to the Secretary of State such part as may appear to the Secretary of State to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—
- (a) [<sup>F68</sup>any sums paid by the Secretary of State under subsection (1) of this section;]
  - (b) any expenses, . . . <sup>F69</sup>, being—
    - (i) expenses incurred by the Secretary of State; or
    - (ii) . . . . . <sup>F69</sup>
    - (iii) expenses incurred by any government department; or
    - (iv) such sums as the Treasury may determine in respect of the use of any premises belonging to the Crown,which the Secretary of State may, with the consent of the Treasury, determine to be incurred in connection with the, [<sup>F70</sup>exercise by the Secretary of State of his powers under the said subsection (1)],
- and the licensee shall comply with such requirement; and any sums so repaid to the Secretary of State shall be paid into the Consolidated Fund, . . . <sup>F71</sup>[<sup>F72</sup>and except that in so far as sums so repaid relate to expenses incurred by the Scottish Administration they shall be paid to the Scottish Ministers.]
- (4) Any liability of a licensee in respect of sums payable by him under subsection (3) of this section on account of pensions shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Minister for the Civil Service, by reference to remuneration.]

#### Extent Information

- E1** This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F67** S. 24 beginning "The Secretary of State" is substituted for S.24 beginning "The Minister may appoint" (E.W.)(S.) by [S.I. 1974/2056](#)
- F68** S. 24(3) (a) (as applicable E. W. S.) substituted by [Atomic Energy Act 1989 \(c.7, SIF 8\), s. 6\(1\)\(a\)](#)
- F69** S. 24(3)(b) (as applicable E.W.S.) the words "whenever incurred" and subparagraph (ii) repealed by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(b\)](#)
- F70** S. 24(3)(b) (as applicable E.W.S.) "exercise by the Secretary of State of his powers under the said subsection (1)" substituted for "enforcement or execution of this Act" by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(b\)](#)
- F71** S. 24(3) (as applicable E. W. S.)the words from "except" to the end repealed by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(c\)](#)
- F72** Words in s. 24(3) inserted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 38\(4\)](#) (with [art. 5](#)); [S.I. 1998/3178, art. 3](#)

#### Modifications etc. (not altering text)

- C53** S. 24 (as applicable E. W. S.) amended by [S.I. 1988/1222, regs. 3, 4](#); 1990/1380, arts. 3, 4
- C54** S. 24(1) functions of Minister for the Civil Service now exercisable by Treasury: [S.I. 1981/1670, art. 2\(1\)\(c\)\(2\)](#)
- C55** S. 24(4) (as applicable E. W. S.) functions of the Minister for the Civil Service now exercisable by Treasury: [S.I. 1981/1670, art. 2\(1\)\(c\)\(2\)](#)

*Status: Point in time view as at 01/04/2005.*

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#### Marginal Citations

M11 1974 c. 37.

M12 1974 c. 37.

## 24 <sup>F101</sup>Inspectors. <sup>X2</sup> **N.I.**

- (1) The Minister may appoint as inspectors to assist him in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Minister may with the approval of the Treasury determine.
- (2) Any such inspector may, for the purposes of the execution of this Act, and subject to production, if so requested, of written evidence of his authority—
  - (a) subject to subsection (3) of this section, enter—
    - (i) at all reasonable times during the period of the licensee's responsibility, upon any premises comprised in any licensed site; or
    - (ii) at all reasonable times, upon any premises comprised in any site which is being used for such purposes that, but for regulations made by virtue of section 1(2) of this Act, a nuclear site licence would be required in respect thereof,

with such equipment, and carry out such tests and inspections, as the inspector may consider necessary or expedient;
  - (b) require—
    - (i) the licensee of any licensed site; or
    - (ii) the person using any site as mentioned in paragraph (a)(ii) of this subsection; or
    - (iii) any person with duties on or in connection with any licensed site or any site being used as aforesaid,

to provide the inspector with such information, or to permit him to inspect such documents, relating to the use of the site as the inspector may specify;
  - (c) enter any place, vehicle, vessel or aircraft involved in any such occurrence as is mentioned in section 22(1) of this Act with such equipment, and carry out such tests and inspections, as he may consider necessary or expedient;
  - (d) require the licensee or other person referred to in the said section 22(1) concerned in any such occurrence and any other person with duties concerning the nuclear matter involved in the occurrence to provide him with such information, or to permit him to inspect such documents, relating to the nuclear matter as the inspector may specify.
- (3) Before carrying out any test in pursuance of his powers under subsection (2)(a) of this section, the inspector shall consult with such persons having duties upon the site as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.
- (4) Any person who obstructs an inspector in the exercise of his powers under subsection (2)(a) or (c) of this section or who refuses or without reasonable excuse fails to provide any information or to permit any inspection reasonably required by the inspector under subsection (2)(b) or (d) thereof shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [<sup>F102</sup>level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both.

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- (5) Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable—
- (a) on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding two years, or to both.
- (6) In such cases and to such extent as it may appear to the Minister, with the agreement of the Treasury, to be appropriate so to do, the Minister shall require a licensee to repay to the Minister such part as may appear to the Minister to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—
- (a) any sums paid by the Minister under subsection (1) of this section; and
  - (b) any expenses, being—
    - (i) expenses incurred by the Minister; or
    - (ii) expenses incurred by any other government department in connection with the Ministry of Power; or
    - (iii) such sums as the Treasury may determine in respect of the use for the purposes of that Ministry of any premises belonging to the Crown, which the Minister may, with the consent of the Treasury, determine to be incurred in connection with the exercise by the Minister of his powers under the said subsection (1),and the licensee shall comply with such requirement; and any sums so repaid to the Minister shall be paid into the Exchequer.
- (7) Any liability of a licensee in respect of sums payable by him under subsection (6) of this section on account of pensions shall, if the Minister so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.

#### **Editorial Information**

**X2** S. 24 beginning "The Secretary of State" is substituted (E.W.)(S.) for S.24 beginning "The Minister may appoint" by [S.I. 1974/2056](#).

#### **Extent Information**

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only.

#### **Textual Amendments**

**F101** S. 24 beginning "The Secretary of State" is substituted (E.W.)(S.) for S.24 beginning "The Minister may appoint" by [S.I. 1974/2056](#).

**F102** "level 3 on the standard scale" substituted (N.I.) for "fifty pounds" by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 9](#)

#### **Modifications etc. (not altering text)**

**C67** S. 24 (as applicable N.I.) modified by [S.I. 1978/1039 \(N.I. 9\)](#), [arts. 2\(2\), 3](#), [Sch. 1](#)

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## [<sup>F73</sup>24A Recovery of expenses by Health and Safety Executive

- (1) This section applies to any expenses incurred by the Health and Safety Executive (“the Executive”) and any expenses incurred by the Health and Safety Commission (“the Commission”) which, in either case, the Executive may determine to be incurred wholly or partly in connection with—
  - (a) the carrying into effect of such of the provisions of this Act as are mentioned in Schedule 1 to the <sup>M13</sup>Health and Safety at Work etc. Act 1974; or
  - (b) the carrying out of research into nuclear safety at the direction of the Commission.
- (2) Without prejudice to the generality of subsection (1) of this section, the reference in that subsection to expenses incurred by the Executive includes any sums paid by it by way of remuneration, allowances or other payments to inspectors appointed under the Health and Safety at Work etc. Act 1974.
- (3) In such cases and to such extent as it may appear to the Executive appropriate to do so, the Executive shall require a person who has applied for a nuclear site licence to repay to it so much of any expenses to which this section applies as may appear to it to be attributable to dealing with the application.
- (4) In such cases and to such extent as it may appear to the Executive to be appropriate to do so, the Executive shall require a person to whom a nuclear site licence has been granted to repay to it—
  - (a) so much of any expenses to which this section applies as may appear to it to be attributable to any nuclear installation in respect of which the licence has been granted; and
  - (b) so much of any expenses to which this section applies which are not otherwise recoverable under this section as it thinks fit.
- (5) A person shall comply with any requirement made of him under this section.
- (6) Any liability of a person in respect of sums payable by him under this section on account of pensions shall, if the Executive so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (7) Where the Executive anticipates that a person who has applied for or has been granted a nuclear site licence will become subject to a liability under this section, it may require him to make to it a payment or payments on account of the liability.
- (8) Where a person has made a payment under subsection (7) of this section on account of an anticipated liability, then—
  - (a) if he does not become subject to the liability, the Executive shall be liable to repay the payment to him; and
  - (b) if the amount of the liability to which he becomes subject is less than the amount paid under that subsection, the Executive shall be liable to repay the difference to him.]

### Textual Amendments

**F73** S. 24A inserted by [Atomic Energy Act 1989 \(c. 7, SIF 8\)](#), s. 2(1)–(3)

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#### Marginal Citations

M13 1974 c. 37 (43:3).

## 25 Offences—general.

- (1) Where a body corporate is guilty of an offence under [<sup>F74</sup>any of the provisions][<sup>F74</sup>section 2(2) or 19(5)] of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly; and where the body corporate was guilty of the offence in the capacity of licensee under a nuclear site licence, he shall be so liable as if he, as well as the body corporate, were the licensee.

In this subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

- (2) Where a body corporate is convicted on indictment of an offence under any of the following provisions of this Act, that is to say, sections [<sup>F75</sup>1(3)], 2(2), [<sup>F75</sup>4(6)], [<sup>F75</sup>5(4)] and 19(5), so much of the provision in question as limits the amount of the fine which may be imposed shall not apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.
- (3) Proceedings in respect of any offence under [<sup>F76</sup>section 2(2) or 19(5) of] this Act shall not be instituted in England or Wales except by the Minister or by or with the consent of the Director of Public Prosecutions.

#### Textual Amendments

- F74 Words “section” to “19(5)” substituted for words “any” to “provisions” (E.W.)(S.) by S.I. 1974/2056
- F75 Words repealed (E.W.)(S.) by S.I. 1974/2056
- F76 Words inserted by S.I. 1974/2056

## [<sup>F77</sup>25A Orders.

The power to make orders under section 16(1A), 18(1B) or 21(1A) of this Act shall be exercisable by statutory instrument; but no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.]

#### Textual Amendments

- F77 Ss. 25A, 25B inserted by Energy Act 1983 (c. 25, SIF 44:1), s. 30

## 25B Special drawing rights.

- (1) In this Act “special drawing rights” means special drawing rights as defined by the International Monetary Fund; and for the purpose of determining the equivalent in

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sterling on any day of a sum expressed in special drawing rights, one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—

- (a) for that day, or
- (b) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.

(2) A certificate given by or on behalf of the Treasury stating—

- (a) that a particular sum in sterling has been so fixed for a particular day, or
- (b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,

shall be conclusive evidence of those matters for the purposes of subsection (1) of this section; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

(3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) of this section and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.

## 26 Interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“the Act of 1959” means the <sup>M14</sup>Nuclear Installations (Licensing and Insurance) Act 1959;

[<sup>F78</sup>“the appropriate Agency” means—

- (a) in the case of a site in England or Wales, the Environment Agency;
- (b) in the case of a site in Scotland, the Scottish Environment Protection Agency;]

“atomic energy” has the meaning assigned by the <sup>M15</sup>Atomic Energy Act 1946;

“the Authority” means the United Kingdom Atomic Energy Authority;

“contravention”, in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly;

“costs” in the application of this Act to Scotland, means expenses;

“cover period” has the meaning assigned by section 19(2) of this Act;

“excepted matter” means nuclear matter consisting only of one or more of the following, that is to say—

- (a) isotopes prepared for use for industrial, commercial, agricultural, medical [<sup>F79</sup>scientific or educational] purposes;
- (b) natural uranium;
- (c) any uranium of which isotope 235 forms not more than 0.72 per cent.;
- (d) nuclear matter of such other description, if any, in such circumstances as may be prescribed (or, for the purposes of the application of this Act to a relevant foreign operator, as may be excluded from the operation of the relevant international agreement by the relevant foreign law);



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“home territory”, in relation to a relevant foreign operator, means the relevant territory in which, for the purposes of a relevant international agreement, he is the operator of a relevant installation;

“injury” means personal injury and includes loss of life;

<sup>X1</sup> “inspector” means an inspector appointed under section 24 of this Act;

[<sup>F80</sup>“inspector” in sections 4(5) and 5(2) of this Act means an inspector appointed by the Health and Safety Executive under section 19 of the <sup>M16</sup>Health and Safety at Work etc. Act 1974;]

“licensed site” means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force;

“licensee” means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force;

“the Minister” means—

(a) in the application of this Act to England and Wales, the Minister of Power;

(b) in the application of this Act to Scotland, the Secretary of State;

“nuclear installation” means a nuclear reactor or an installation such as is mentioned in section 1(1)(b) of this Act;

“nuclear matter” means, subject to any exceptions which may be prescribed—

(a) any fissile material in the form of uranium metal, alloy or chemical compound (including natural uranium), or of plutonium metal, alloy or chemical compound, and any other fissile material which may be prescribed; and

(b) any radioactive material produced in, or made radioactive by exposure to the radiation incidental to, the process of producing or utilising any such fissile material as aforesaid;

“nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons;

“nuclear site licence” has the meaning assigned by section 1(1) of this Act;

“occurrence” in sections 16(1) [<sup>F81</sup>and (1A)], 17(3) and 18 of this Act—

(a) in the case of a continuing occurrence, means the whole of that occurrence; and

(b) in the case of an occurrence which is one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, means all those occurrences collectively;

“period of responsibility”, in relation to a licensee, has the meaning assigned by section 5(3) of this Act;

“prescribed” means prescribed by regulations made by [<sup>F82</sup>the Secretary of State], which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament;

“relevant carriage”, in relation to nuclear matter, means carriage on behalf of—

(a) a licensee as the licensee of a particular licensed site; or

(b) the Authority; or

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- (c) a government department for the purposes of such use of a site by that department as is mentioned in section 9 of this Act; or
- (d) a relevant foreign operator; or
- (e) a person authorised to operate a nuclear reactor which is comprised in a means of transport and in which the nuclear matter in question is intended to be used;

“relevant foreign contribution”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the government of any relevant territory other than the United Kingdom towards the satisfaction of that claim;

“relevant foreign judgment” means a judgment of a court of a relevant territory other than the United Kingdom which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories;

“relevant foreign law” means the law of a relevant territory other than the United Kingdom or any part thereof regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant foreign operator, means the law such as aforesaid of his home territory;

“relevant foreign operator” means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory other than the United Kingdom;

“relevant installation” means an installation to which a relevant international agreement applies;

“relevant international agreement” means an international agreement with respect to third-party liability in the field of nuclear energy to which the United Kingdom or Her Majesty’s Government therein are party, other than an agreement relating to liability in respect of nuclear reactors comprised in means of transport;

“relevant site” means any of the following, that is to say—

- (a) a licensed site at any time during the period of the licensee’s responsibility;
- (b) any premises at any time when they are occupied by the Authority;
- (c) any site at any time when it is occupied by a government department, if that site is being or has been used by that department as mentioned in section 9 of this Act;
- (d) any site in a relevant territory other than the United Kingdom at any time when that site is being used for the operation of a relevant installation by a relevant foreign operator;

“relevant territory” means a country for the time being bound by a relevant international agreement;

“territorial limits” includes territorial waters.

- (2) References in this Act to the carriage of nuclear matter shall be construed as including references to any storage incidental to the carriage of that matter before its delivery at its final destination.
- (3) Any question arising under this Act as to whether—
  - (a) any person is a relevant foreign operator; or
  - (b) any law is the relevant foreign law with respect to any matter; or
  - (c) any country is for the time being a relevant territory,

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shall be referred to and determined by the Minister.

- (4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

#### Editorial Information

**X1** Definition applicable N. I.

#### Textual Amendments

**F78** Words inserted in s. 26(1) (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 10, (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F79** Words substituted by Energy Act 1983 (c. 25, SIF 44:1), **s. 32**

**F80** Definition substituted (E.W.)(S.) by S.I. 1974/2056

**F81** Words inserted by Energy Act 1983 (c. 25, SIF 44:1), **s. 27(7)**

**F82** Words in s. 26(1) substituted (15.11.1999) by S.I. 1999/2786, **art. 3(1)**

#### Modifications etc. (not altering text)

**C56** S. 26(1): functions conferred by the definitions of “excepted matter” and “nuclear matter” made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by S.I. 1999/1750, **arts. 1(1), 4, Sch. 3** (with **art. 7**); S.I. 1998/3178, **art. 3**

**C57** Functions of Minister of Power under this Act now exercisable by Secretary of State: S.I. 1969/1498 and 1970/1537

#### Marginal Citations

**M14** 1959 c. 46.

**M15** 1946 c. 80.

**M16** 1974 c. 37.

## 27 Northern Ireland.

[<sup>F83</sup>(1) In the application of this Act to Northern Ireland—

- (a) a reference to the Minister shall be construed as a reference to the Secretary of State;
- (b) sections 3(1A) and (6A), 4(3A) and 5(1A) shall have effect as if—
- (i) for “appropriate Agency”, wherever occurring, there were substituted “Department of the Environment in Northern Ireland” ;
- (ii) for “Great Britain”, wherever occurring, there were substituted “Northern Ireland” ;
- (iii) for “Health and Safety Executive”, wherever occurring, there were substituted “Minister” ;
- (c) section 3(3) shall have effect as if for paragraphs (b) and (c) there were substituted—
- “(ca) the Fisheries Conservancy Board for Northern Ireland; and.”]

<sup>F84</sup>(2) .....

<sup>F84</sup>(3) .....

- (4) In the application to Northern Ireland of section 21(5) of this Act, the reference to Part VI of the <sup>M17</sup>Road Traffic Act 1960 shall be construed as a reference to Part II of the

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<sup>M18</sup>Motor Vehicles and Road Traffic Act (Northern Ireland) 1930 as amended or re-enacted (with or without modification) by any subsequent enactment of the Parliament of Northern Ireland for the time being in force.

(5) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except—

- [<sup>F85</sup>(a) by the Minister; or
- (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.]

<sup>F86</sup>(6) .....

(7) ..... <sup>F87</sup>

**Textual Amendments**

**F83** S. 27(1) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(3)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , Sch. 1

**F84** S. 27(2)(3) repealed (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(4)** , 198(2) , **Sch. 23 Pt. 1** ; S.I. 2004/2575 , art. 2(1) , Sch. 1 ; S.I. 2004/2575 , art. 2(1) , Sch. 1

**F85** S. 27(5)(a)(b) substituted for s. 27(5)(a)-(c) (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(5)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , Sch. 1

**F86** S. 27(6) repealed (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(6)** , 198(2) , **Sch. 23 Pt. 1** ; S.I. 2004/2575 , art. 2(1) , Sch. 1

**F87** S. 27(7) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#) , s. 41(1) , **Sch. 6 Pt. 1**

**Marginal Citations**

**M17** 1960 c. 16 .

**M18** 1930 c. 24 (N.I.)

**28 Channel Islands. Isle of Man, etc.**

(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty’s Government in the United Kingdom are responsible.

(2) Any Order in Council made by virtue of this section may be varied or revoked by any subsequent Order in Council so made.

**Modifications etc. (not altering text)**

**C58** S. 28 extended by [Energy Act 1983 \(c. 25, SIF 44:1\)](#) , **s. 33**

**C59** S. 28 extended (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\)](#) , **s. 4(6)**

**29 Repeals and savings.**

(1) ..... <sup>F88</sup>

(2) Anything done under or by virtue of any enactment repealed by this Act shall be deemed for the purposes of this Act to have been done under or by virtue of the

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corresponding provision of this Act, and anything begun under any of the enactments so repealed may be continued under the corresponding provision of this Act.

- (3) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein.
- (4) Nothing in this section shall be construed as affecting the general application of section 38 of the <sup>M19</sup>Interpretation Act 1889 with respect to the effect of repeals.

#### Textual Amendments

**F88** S. 29(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

#### Marginal Citations

**M19** [1889 c. 63](#).

### 30 Short title and commencement.

- (1) This Act may be cited as the Nuclear Installations Act 1965.
- (2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint; and a later day may be appointed for the purposes of section 17(5) than that appointed for the purposes of the other provisions of this Act.

#### Modifications etc. (not altering text)

**C60** S. 30(2): power of appointment conferred by section 30(2) fully exercised: Act wholly in force by virtue of [S.I. 1965/1880](#), [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 37\(3\)](#) and [S.I. 1983/790](#)

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## [<sup>F89</sup>SCHEDULE 1

### SECURITY PROVISIONS APPLICABLE BY ORDER UNDER S.2]

#### Textual Amendments

**F89** Sch. 1 inserted by Atomic Energy Authority Act 1971 (c. 11), s. 17(6), Sch.

#### Modifications etc. (not altering text)

**C61** Sch. 1 extended (24.3.1993) by 1993/687, arts. 1,2.

1 In this Schedule “the specified body corporate”, in relation to an order made under section 2 of this Act, means the body corporate specified in that order, as being a body to whom the Minister has granted a permit as mentioned in subsection (1B) of that section, and “site to which a permit applies” means a site in respect of which a permit so granted to the specified body corporate is for the time being in force.

2 ..... <sup>F90</sup>

#### Textual Amendments

**F90** Sch. 1 para. 2 repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), Sch. 2

3 (1) Every site to which a permit applies shall, for the purposes of section 3(c) of the <sup>M20</sup>Official Secrets Act 1911 (which provides that places belonging to or used for the purposes of Her Majesty may be declared by order of the Secretary of State to be prohibited places for the purposes of that Act), be deemed to be a place belonging to or used for the purposes of Her Majesty.

(2) No person other than—

- (a) a constable acting in the execution of his duty as such, or
- (b) an officer of customs and excise or inland revenue, acting in the execution of his duty as such, [<sup>F91</sup>or
- (bb) a person designated as an inspector of the International Atomic Energy Agency under article 85 of the Agreement made on 6th September 1976 for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Cmnd. 6730)] [<sup>F92</sup>or under Article 11 of the Additional Protocol (within the meaning of the Nuclear Safeguards Act 2000)] or
- (c) an inspector appointed under section 24 of this Act, or
- [<sup>F93</sup>(cc) an inspector appointed under section 19 of the <sup>M21</sup>Health and Safety at Work etc. Act 1974 and specially authorised in that behalf by or on behalf of a Minister of the Crown, or ]
- (d) an officer of any government department specially authorised in that behalf by or on behalf of a Minister of the Crown [<sup>F94</sup>or a member of the staff of the Scottish Administration specially authorised in that behalf by or on behalf of the Scottish Ministers],

shall, except with the consent of the specified body corporate and in accordance with any conditions imposed by them, be entitled to exercise any right of entry (whether arising by virtue of any statutory provision or otherwise) upon any site which is for

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the time being declared to be a prohibited place by virtue of an order made under the said section 3(c) as extended by the preceding subparagraph:

Provided that any person aggrieved by a refusal of the specified body corporate to consent to, or by conditions imposed by that body on, the exercise of any such right of entry may apply to the Minister who may, if he thinks fit, himself authorise the exercise of the right subject to such conditions, if any, as he may think fit to impose.

#### Textual Amendments

- F91** “or” and para. (bb) added at the end of para. (b) by Nuclear Safeguards and Electricity (Finance) Act 1978 (c. 25, SIF 8), s. 2(3)(a)
- F92** Words in Sch. 1 para. 3(2)(bb) inserted (1.5.2004) by Nuclear Safeguards Act 2000 (c. 5), ss. 11(2), 12(2) (with s. 12(3)); S.I. 2004/1242, arts. 2, 3
- F93** Para. 3(2)(cc) added (E.W.)(S.) by S.I. 1974/2056
- F94** Words in Sch. 1 para. 3(2)(d) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 38(5) (with art. 5); S.I. 1998/3178, art. 3

#### Marginal Citations

- M20** 1911 c. 28.  
**M21** 1974 c. 37.

- 4 <sup>F95</sup>(1) .....
- (2) ..... <sup>F96</sup>
- <sup>F97</sup>(3) .....

#### Textual Amendments

- F95** Sch. 1 para. 4(1) repealed (1.4.2005) by Energy Act 2004 (c. 20), s. 198(2), Sch. 23 Pt. 1; S.I. 2005/877, art. 2(1), Sch. 1
- F96** Sch. 1 para. 4(2) repealed by Ministry of Defence Police Act 1987 (c. 4, SIF 95), s. 7(4)(b)
- F97** Sch. 1 para. 4(3) repealed (1.4.2005) by Energy Act 2004 (c. 20), s. 198(2), Sch. 23 Pt. 1; S.I. 2005/877, art. 2(1), Sch. 1

- 5 (1) The specified body corporate shall comply with any directions which the Minister may give to them for the purpose of safeguarding information in the interests of national security; and a direction under this sub-paragraph may in particular require the specified body corporate to terminate the employment of any person specified in the direction who is an officer of, or employed by, that body or may require that body not to appoint a person so specified to be an officer of, or to any employment under, that body.
- (2) The specified body corporate shall also comply with any directions given to them by the Minister with respect to the safe-keeping of material of any description specified in the directions, whether in the interests of national security or of safety.
- (3) The Minister may with the approval of the Treasury make grants out of moneys provided by Parliament for reimbursing to the specified body corporate, in whole or in part, any expenses incurred by that body in complying with any directions given under sub-paragraph (1) of this paragraph and any directions given under sub-

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paragraph (2) of this paragraph with respect to the safe-keeping of material in the interests of national security.

- 6 (1) Except with the consent of the Minister the specified body corporate shall not terminate on security grounds the employment of any person employed by them.
- (2) In this paragraph “security grounds” means grounds which are grounds for dismissal from the civil service of Her Majesty, in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.
- 7 In the application of this Schedule to Northern Ireland—
- (a) in paragraph 3(2)(d) the reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and
- <sup>F98</sup>(b) .....

#### Textual Amendments

**F98** Sch. 1 para. 7(b) repealed (1.4.2005) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 23 Pt. 1**; S.I. 2005/877, art. 2(1), Sch. 1

## [<sup>F99F100</sup>SCHEDULE 2]

Section 22(5).

### INQUIRIES UNDER S. 22(5)

#### Textual Amendments

**F99** Schedule as originally enacted re-numbered Sch. 2 by Atomic Energy Authority Act 1971 (c. 11), **s.17(6)**

**F100** Sch. 2 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), **s. 61(1)(f)**

#### Modifications etc. (not altering text)

**C62** Sch. 2 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62

**C63** Sch. 2 repealed (E.W.)(S.) by S.I. 1974/2056

**C64** Sch. 2 modified by S.I. 1978/1039 (N. I. 9), arts. 2(2), 3, **Sch. 1**

**C65** Sch. 2 amended by S. I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4

**C66** Sch. 2 modified (7.3.1994) by S.R. 1994/1, **reg. 3**

- 1 An inquiry in pursuance of a direction under section 22(5) of this Act with respect to any occurrence shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.
- 2 The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.
- 3 The person appointed to hold the inquiry (hereafter in this Schedule referred to as “the court”) shall hold the inquiry in such manner and under such conditions as the



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court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

- 4 The court shall, for the purposes of the inquiry, have power—
- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
  - (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
  - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
  - (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
  - (e) to adjourn the inquiry from time to time; and
  - (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.
- 5 A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.
- 6 The court shall make a report to the Minister stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.
- 7 If any person—
- (a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or
  - (b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,
- the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.
- 8 In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.

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