



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### BRINGING AND SATISFACTION OF CLAIMS

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

[<sup>F1</sup>(1) A claim by virtue of section 7, 7B, 8, 9, 10 or 11 of this Act may be made at any time before, but is not to be entertained if made at any time after, the expiration of 10 years from the relevant date.

(1A) Subsection (1) is subject to subsections (3), (4) and (6).]

[<sup>F2</sup>(2) .....

[<sup>F3</sup>(3) A claim in respect of injury caused by a breach of a duty under section 7, 7B, 8, 9, 10 or 11 may be made at any time before, but is not to be entertained if made at any time after, the expiration of 30 years from the relevant date.

(4) A claim in respect of injury where—  
(a) that injury is caused by ionising radiations, and  
(b) exposure to those ionising radiations is the result of preventive measures having been taken after a breach of a duty under section 7, 7B, 8, 9 or 10,  
may be made at any time before, but is not to be entertained if made at any time after, the expiration of 30 years from the relevant date.

(5) Subsections (3) and (4) are subject to subsection (6).

(6) A claim made after the expiration of the period that applies to it because of subsection (1), (3) or (4) may be entertained if—

(a) the European Nuclear Energy Tribunal has determined that a court in the United Kingdom has jurisdiction in respect of that claim or description of claim, and

(b) the claim is brought—  
(i) within the period specified by the Tribunal, or

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- (ii) if the Tribunal does not specify a period, within the period of 28 days beginning with the day after the day on which the Tribunal made its determination.
- (7) This section has effect notwithstanding provision in any other enactment about the period of time for the bringing of proceedings.
- (8) A reference in this section to the relevant date is—
- (a) in the case of a claim in respect of an occurrence which constitutes a breach of a person’s duty under section 7(1A) or (1C), 7B, 8, 9, 10(1) or 11, a reference to—
    - (i) the date of the occurrence,
    - (ii) where the occurrence is a continuing one, the date of the last thing to happen in the course of that occurrence,
    - (iii) where the occurrence is one of a succession of occurrences, all of which are attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a relevant site of a particular operation, the date of the last thing to happen in the course of that succession of occurrences, or
    - (iv) where the occurrence is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, the date of the last thing to happen in the course of that succession of occurrences;
  - (b) in the case of a claim in respect of an event which constitutes a breach of a person’s duty under section 7(1E), 7B, 8, 9 or 10(1A) because it created a grave and imminent threat of a breach of another duty imposed by section 7, 7B, 8, 9 or 10, a reference to—
    - (i) the date of the event,
    - (ii) where the event is a continuing one, the date of the last thing to happen in the course of that event,
    - (iii) where the event is one of a succession of events, all of which are attributable to a particular happening on a particular relevant site, the date of the last thing to happen in the course of that succession of events, or
    - (iv) where the event is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, the date of the last thing to happen in the course of that succession of events.]

#### Textual Amendments

- F1** S. 15(1)(1A) substituted for s. 15(1) (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **17(2)** (with art. 40)
- F2** S. 15(2) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **18(1)** (with art. 40)
- F3** S. 15(3)-(8) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **17(3)** (with art. 40)

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

- [<sup>F4</sup>(1) The liability of a person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 7B, 8 or 9 does not require that person to make in respect of any one occurrence or event constituting a breach of that duty payments by way of compensation exceeding in the aggregate, apart from payments in respect of interest or costs—
- (a) the equivalent in sterling of 70 million euros, where the person is the licensee of a licensed site that is prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by that person as licensee of that licensed site that consists of—
    - (i) an occurrence or event on the licensed site, or
    - (ii) an occurrence or event elsewhere than on the licensed site involving nuclear matter other than excepted matter, where the nuclear matter in question satisfies the condition in section 7A(8) in relation to the licensee, without also satisfying any of the conditions in section 7A(2) to (7);
  - (b) the equivalent in sterling of 70 million euros, where the person is the operator of a relevant disposal site that is a site prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by that person as the operator of that relevant disposal site that consists of—
    - (i) an occurrence or event on the relevant disposal site, or
    - (ii) an occurrence or event elsewhere than on the relevant disposal site involving nuclear matter other than excepted matter, where the nuclear matter in question satisfies the condition in section 7A(8) (as applied by section 7B) in relation to the operator, without also satisfying any of the conditions in section 7A(2) to (7) (as applied by section 7B);
  - (c) the equivalent in sterling of 160 million euros, where the person is the licensee of a licensed site that is prescribed for the purposes of this paragraph and the breach of duty is a breach of duty by the person as licensee of that licensed site that consists of—
    - (i) an occurrence or event on the licensed site, or
    - (ii) an occurrence or event elsewhere than on the licensed site involving nuclear matter other than excepted matter, where the nuclear matter in question satisfies the condition in section 7A(8) in relation to the licensee, without also satisfying any of the conditions in section 7A(2) to (7);
  - (d) the equivalent in sterling of 80 million euros, in the case of an occurrence or event involving nuclear matter which is not excepted matter and which is either in the course of such carriage as is described in section 7A(2)(a), (3)(a), (4)(a), (5)(a) or (7)(a) or in such case as is described in section 7A(6)(c) or (7)(b), where—
    - (i) the nuclear matter in question meets such conditions as are prescribed for the purposes of this paragraph or such conditions specific to the means of carriage used as are prescribed for the purposes of this paragraph, and
    - (ii) that occurrence or event constitutes a breach of duty by a licensee as licensee of a licensed site;
  - (e) the equivalent in sterling of 80 million euros, in the case of an occurrence or event involving nuclear matter which is not excepted matter and which is

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either in the course of such carriage as is described in section 7A(2)(a), (3)(a), (4)(a), (5)(a) or (7)(a) (as applied by section 7B) or in such case as is described in section 7A(6)(c) or (7)(b) (as applied by section 7B), where—

- (i) the nuclear matter in question meets such conditions as are prescribed for the purposes of this paragraph or such conditions specific to the means of carriage used as are prescribed for the purposes of this paragraph, and
  - (ii) that occurrence or event constitutes a breach of duty by the operator of a relevant disposal site in that capacity;
- (f) subject to section 16B, the equivalent in sterling of 1,200 million euros, in any other case.

(1ZA) Notwithstanding subsection (1), if the amount payable by a person in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on that person by section 7, 7B, 8 or 9 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of 700 million euros, that person is not required to satisfy further claims for compensation except to the extent that they are special relevant claims.

(1ZB) Notwithstanding subsection (1), if—

- (a) the amount payable by a person in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on that person by section 7, 7B, 8 or 9 reaches, in the aggregate and apart from interest or costs, the amount in sterling that is—
  - (i) the limit on liability established by the law of a relevant reciprocating territory made for purposes corresponding to those of subsection (1ZA), or
  - (ii) the equivalent in sterling of an amount denominated in another currency or unit of account that is the limit on liability established by the law of a relevant reciprocating territory made for such purposes, and
- (b) that amount in sterling is less than the amount that would apply if the applicable limit were the limit in subsection (1ZA),

that person is not required to satisfy further claims for compensation to the extent that they are referable to that relevant reciprocating territory.]

[<sup>F5</sup>( 1A ) The Secretary of State may with the approval of the Treasury by order increase or further increase [<sup>F6</sup>any amount specified in subsection (1), (1ZA) or (3B)]; but an order under this subsection shall not affect liability in respect of [<sup>F7</sup>an occurrence or event happening before (or beginning to happen 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 [<sup>F8</sup>or event]—

- (a) if he would not have been required to make that payment if the occurrence [<sup>F8</sup>or event] 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, [<sup>F9</sup>7B,] 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.

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- [<sup>F10</sup>(3) A claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10—
- (a) to the extent to which, by virtue of subsection (1) or (2), though duly established, it is not or would not be payable by that person, or
  - (b) 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),
- may be the subject of proceedings for compensation under this Act brought against the appropriate authority.
- (3A) Payments of compensation under this Act made by the appropriate authority in such proceedings may not exceed in the aggregate, apart from payments in respect of interest or costs, the amount of the sums made available for the purpose under section 18.
- (3B) If the amount payable in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of 700 million euros, the appropriate authority is not required to satisfy further claims for compensation except to the extent that they are special relevant claims.
- (3C) If the amount payable in respect of claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 reaches, in the aggregate and apart from interest or costs, the amount in sterling that is—
- (a) the limit on liability established by the law of a relevant reciprocating territory made for purposes corresponding to those of subsection (3B), or
  - (b) the equivalent in sterling of an amount denominated in another currency or unit of account that is the limit on liability established by the law of a relevant reciprocating territory made for such purposes,
- the appropriate authority is not required to satisfy further claims for compensation to the extent that they are referable to that relevant reciprocating territory.
- (3D) Subsection (3E) has effect in relation to—
- (a) a claim falling within subsection (3) to the extent that, leaving aside payments in respect of interest or costs, it is not or would not be satisfied out of sums made available for the purpose under section 18 or by means of a relevant foreign contribution;
  - (b) a claim that is not satisfied, or so much of a claim as is not satisfied, because of—
    - (i) subsection (1ZA) or (1ZB),
    - (ii) a relevant foreign law made for purposes corresponding to those of subsection (1ZA) or (1ZB) which is given effect by subsection (2), or
    - (iii) subsection (3B) or (3C).
- (3E) If the claim is established to the satisfaction of the appropriate authority, it is to be satisfied by the appropriate authority—
- (a) to such extent as Parliament may determine, and
  - (b) out of funds provided by such means as Parliament may determine.
- (3F) Provision made by Parliament under subsection (3E) may make different provision for different sorts of claim.]

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- (4) Where in pursuance of [<sup>F11</sup>subsection (3E)] 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 [<sup>F12</sup>the court that would have had jurisdiction in accordance with section 16C to determine the claim but for this section]; 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.
- <sup>F13</sup>(5) . . . . .
- [<sup>F14</sup>(6) Before exercising any function under subsection (1) or (1A) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
- (7) A reference in this section to the equivalent in sterling of an amount denominated in another currency or unit of account is a reference to the amount of sterling that is the equivalent of that amount in that currency or those units on the day (or the first day) of the occurrence or event in question.]
- [<sup>F15</sup>(8) In this section “appropriate authority” means—
- (a) in the case of a claim by virtue of section 9 where the government department concerned is a part of the Scottish Administration, the Scottish Ministers;
  - (b) in any other case, the Secretary of State.]

#### Textual Amendments

- F4** S. 16(1)-(1ZB) substituted for s. 16(1) (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(2)** (with art. 40)
- F5** S. 16(1A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), s. **27(2)**
- F6** Words in s. 16(1A) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(3)(a)** (with art. 40)
- F7** Words in s. 16(1A) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(3)(b)** (with art. 40)
- F8** Words in s. 16(2) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(4)(a)** (with art. 40)
- F9** Word in s. 16(2)(a) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(4)(b)** (with art. 40)
- F10** S. 16(3)-(3F) substituted for s. 16(3) (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **20(2)** (with art. 40)
- F11** Words in s. 16(4) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **20(3)(a)** (with art. 40)
- F12** Words in s. 16(4) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **20(3)(b)** (with art. 40)

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**F13** S. 16(5) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **20(4)** (with art. 40)

**F14** S. 16(6)(7) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(5), **19(5)** (with art. 40)

**F15** S. 16(8) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **20(5)** (with art. 40)

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

**C1** 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](#)

[<sup>F16</sup>**16A Section 16: supplementary**

- (1) This section applies for the purposes of section 16.
- (2) A claim for compensation under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 is referable to a relevant reciprocating territory if—
  - (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (3),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (3), or
  - (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (3).
- (3) The injury, damage and significant impairment of the environment referred to in subsection (2) are—
  - (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of that relevant reciprocating territory;
  - (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of that relevant reciprocating territory;
  - (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in that relevant reciprocating territory.
- (4) A claim for compensation under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 is a special relevant claim if—
  - (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (5),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (5), or
  - (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (5).

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- (5) The injury, damage and significant impairment of the environment referred to in subsection (4) are—
- (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of the United Kingdom or a special relevant territory;
  - (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of the United Kingdom or a special relevant territory in connection with the exploitation or exploration of the natural resources of that exclusive economic zone or continental shelf;
  - (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in the United Kingdom or a special relevant territory;
  - (d) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by a national of the United Kingdom or a special relevant territory;
  - (e) injury or damage that is incurred outside the territorial limits of any country or territory by, or by persons or property on, an artificial island, installation or structure that is subject to the jurisdiction of the United Kingdom or a special relevant territory.
- (6) A relevant territory other than the United Kingdom is a special relevant territory if—
- (a) in the case of a relevant territory that is a country, the law of the country satisfies the conditions in subsection (7), or
  - (b) in the case of a relevant territory that is an overseas territory of a country—
    - (i) the law of the country makes (or the laws of the country and overseas territory make) such provision with respect to the overseas territory as is described in subsection (7) with respect to the country, and
    - (ii) the relevant international agreement in pursuance of which that provision is made applies for the time being to the overseas territory.
- (7) The conditions referred to in subsection (6)(a) are—
- (a) that the law of the country makes provision, in pursuance of a relevant international agreement, for sums additional to those mentioned in section 18(1)(a) to be made available out of public funds;
  - (b) that the law of the country makes provision, in pursuance of that relevant international agreement, for the maximum aggregate amount of compensation in respect of an occurrence or event to be equal to or more than that specified in section 18(1A).
- (8) A reference in this section to a national of the United Kingdom—
- (a) includes a reference to—
    - (i) a public authority,
    - (ii) a body incorporated under the law of any part of the United Kingdom,
    - (iii) an unincorporated body established under the law of any part of the United Kingdom, and
    - (iv) a trust the validity of which is governed by the law of a part of the United Kingdom;
  - (b) as regards individuals, is a reference to—



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- (i) a British citizen, a British overseas territory citizen, a British National (Overseas) or a British Overseas citizen;
  - (ii) a British subject under the British Nationality Act 1981; or
  - (iii) a British protected person within the meaning of that Act.
- (9) In this section—
- “national”, in relation to a special relevant territory, includes—
- (a) that special relevant territory and any part of it,
  - (b) a public or private body established in the special relevant territory or part of it, whether a body corporate or not,
  - (c) a partnership established in the special relevant territory or part of it, and
  - (d) a trust the validity of which is governed by the law of the special relevant territory;
- “public authority” has the same meaning as in section 11A.]

#### Textual Amendments

**F16** S. 16A inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **21** (with art. 40)

#### [<sup>F17</sup>16B Section 16: phasing of increases in liability

- (1) The reference in section 16(1)(f) to 1,200 million euros has effect in relation to liability in respect of any occurrence or event constituting a breach of a duty under section 7, 7B, 8 or 9 that happens in (or begins to happen in) a year mentioned below as if there were substituted a reference to the amount specified below for that year—
- (a) for the first year, 700 million euros;
  - (b) for the second year, 800 million euros;
  - (c) for the third year, 900 million euros;
  - (d) for the fourth year, 1,000 million euros;
  - (e) for the fifth year, 1,100 million euros.
- (2) For the purposes of this section—
- (a) the first year is the period of a year beginning with the appropriate day;
  - (b) the second, third, fourth and fifth years are the periods of a year beginning with the first, second, third and fourth anniversaries, respectively, of the appropriate day.
- (3) “The appropriate day” means the day on which article 19 of the Nuclear Installations (Liability for Damage) Order 2016 comes fully into force.]

#### Textual Amendments

**F17** S. 16B inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **22** (with art. 40)

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## **[<sup>F18</sup>16C Jurisdiction of courts in the United Kingdom**

- (1) This section has effect, subject to section 17(1), for determining which of the High Court of Justice, the Court of Session and the High Court of Justice in Northern Ireland has jurisdiction in the case of—
  - (a) a claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10, or
  - (b) an application for the determination of a question relating to such a claim.
- (2) The High Court of Justice has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within the part of the United Kingdom that consists of England and Wales.
- (3) The Court of Session has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within Scotland.
- (4) The High Court of Justice in Northern Ireland has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within Northern Ireland.
- (5) For the purposes of subsections (2) to (4) as they apply to an occurrence falling within section 7(1B)(b) or 10(1) or to an event creating a threat of a breach of duty consisting of such an occurrence—
  - (a) an occurrence or event that continues while the matter involved is carried from one part of the United Kingdom to another, is to be treated as taking place in the part where it began;
  - (b) an occurrence that is one of a succession of occurrences or an event that is one of a succession of events, all of which are attributable to a particular happening and take place during one course of carriage, is to be treated as taking place in whichever part of the United Kingdom is the part where the first occurrence in that succession of occurrences, or the first event in that succession of events, happened;
  - (c) an occurrence or event that takes place within more than one part of the United Kingdom at the same time, and to which neither paragraph (a) nor paragraph (b) applies, is to be treated as taking place in whichever part of the United Kingdom is the part within which the matter involved was last wholly located before the occurrence or event took place.
- (6) If none of subsections (2) to (4) applies in the case of a claim or application, the court that has jurisdiction is—
  - (a) if the claim relates to a person's breach of duty as the licensee of a licensed site in the part of the United Kingdom consisting of England and Wales, the operator of a relevant disposal site in that part of the United Kingdom, or the occupier of any other relevant site in that part of the United Kingdom, the High Court of Justice;
  - (b) if the claim relates to a person's breach of duty as the licensee of a licensed site in Scotland, the operator of a relevant disposal site in Scotland, or the occupier of any other relevant site in Scotland, the Court of Session;
  - (c) if the claim relates to a person's breach of duty as the licensee of a licensed site in Northern Ireland, the operator of a relevant disposal site in Northern Ireland, or the occupier of any other relevant site in Northern Ireland, the High Court of Justice in Northern Ireland.
- (7) If, in consequence of a single occurrence or event that constitutes two or more breaches of the duties imposed by sections 7, 7B, 8, 9 and 10, more than one court would have

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- jurisdiction under subsection (6), the court that is to have jurisdiction is the High Court of Justice.
- (8) The High Court of Justice has jurisdiction in the case of a claim or application which falls under a relevant international agreement to be determined by a court in the United Kingdom but to which none of subsections (2) to (6) applies.
- (9) In this section—
- (a) a reference to a part of the United Kingdom is a reference to—
    - (i) England and Wales,
    - (ii) Scotland, or
    - (iii) Northern Ireland;
  - (b) a reference to England and Wales includes a reference to—
    - (i) areas within the territorial limits of the United Kingdom, other than Scotland or Northern Ireland or areas adjacent to Scotland or Northern Ireland, and
    - (ii) the relevant maritime zone of the United Kingdom, other than the relevant maritime zone adjacent to Scotland or Northern Ireland, and the sea bed and subsoil within, and the airspace above, that part of that zone;
  - (c) a reference to Scotland includes a reference to—
    - (i) areas within the territorial limits of the United Kingdom that are adjacent to Scotland, and
    - (ii) the relevant maritime zone of the United Kingdom adjacent to Scotland and the sea bed and subsoil within, and the airspace above, that part of that zone;
  - (d) a reference to Northern Ireland includes a reference to—
    - (i) areas within the territorial limits of the United Kingdom that are adjacent to Northern Ireland, and
    - (ii) the relevant maritime zone of the United Kingdom adjacent to Northern Ireland and the sea bed and subsoil within, and the airspace above, that part of that zone.
- (10) For the purposes of this section—
- (a) an area is adjacent to Scotland if it lies within the boundaries determined under section 126(2) of the Scotland Act 1998;
  - (b) an area is adjacent to Northern Ireland if it lies within the boundaries determined under section 98(8) of the Northern Ireland Act 1998.]

#### Textual Amendments

**F18** S. 16C inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **23** (with art. 40)

## 17 Jurisdiction, shared liability and foreign judgments.

- (1) No court in the United Kingdom <sup>F19</sup>... shall have jurisdiction to determine any claim or question under this Act certified by [<sup>F20</sup>the appropriate authority] to be a claim or question which, under any relevant international agreement, falls to be determined by a court of some other relevant territory <sup>F21</sup>...; and any proceedings to enforce such a

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claim which are commenced in any court in the United Kingdom <sup>F22</sup>... shall be set aside.

<sup>F23</sup>(2) .....

(3) Where by virtue of any one or more of the following, that is to say, sections 7, [<sup>F24</sup>7B,] 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 [<sup>F25</sup>the same injury, damage or significant impairment of the environment or the same grave and imminent threat of injury, damage or impairment], is incurred by two or more persons, then, for the purposes of any proceedings in the United Kingdom [<sup>F26</sup>relating to that matter] including proceedings for the enforcement of a judgment registered under the <sup>M1</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 [<sup>F27</sup>that matter]; and
- (b) until claims against each of those persons in respect of the [<sup>F28</sup>occurrence or event by virtue of which the person in question is liable for that matter have been satisfied to the extent mentioned in subsection (3A), no sums in excess of those required for the purposes of subsection (3A)(a)] shall be required to be made available under section 18 of this Act for the purpose of paying compensation in respect of [<sup>F29</sup>that matter].

<sup>F30</sup>(3A) The claims mentioned in subsection (3)(b) are to be satisfied—

- (a) in the case of a licensee, the operator of a relevant disposal site, the Authority or the Crown, up to an aggregate amount that is equal to the amount applicable under section 16(1) to the person in question in the circumstances in question;
- (b) in the case of a relevant foreign operator, up to such aggregate amount as may be provided for by the relevant foreign law made for purposes corresponding to section 19(1).

(3B) A person is not required under subsection (3A) to satisfy a claim for compensation to the extent that it is excluded by—

- (a) section 16(1ZA) or (1ZB), or
- (b) the relevant foreign law made for purposes corresponding to section 16(1ZA) or (1ZB) (as the case may be).]

(4) Part I of the said Act of 1933 shall apply to any judgment given in a court [<sup>F31</sup>of a relevant territory other than the United Kingdom] which is certified by [<sup>F32</sup>the appropriate authority] 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>F33</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 [<sup>F34</sup>or territory] outside the United Kingdom for that person to show that—

- (a) the sum in question was awarded in respect of [<sup>F35</sup>injury, damage or impairment of the environment or a grave and imminent threat of injury, damage or impairment of the environment] of a description which is the subject of a relevant international agreement; and
- (b) the country [<sup>F36</sup>or territory] in question is not a relevant territory; and

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- (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>F37</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.]

- (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.

[<sup>F38</sup>(7) In this section “appropriate authority” means—

- (a) in relation to England and Wales and Northern Ireland, the Secretary of State;  
(b) in relation to Scotland, the Scottish Ministers.]

#### Textual Amendments

- F19** Words in s. 17(1) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **24(2)(a)** (with art. 40)
- F20** Words in s. 17(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **24(2)(b)** (with art. 40)
- F21** Words in s. 17(1) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **24(2)(c)** (with art. 40)
- F22** Words in s. 17(1) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **24(2)(d)** (with art. 40)
- F23** S. 17(2) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **24(3)** (with art. 40)
- F24** Word in s. 17(3) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **25(2)(a)** (with art. 40)
- F25** Words in s. 17(3) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **25(2)(b)** (with art. 40)
- F26** Words in s. 17(3) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **25(2)(c)** (with art. 40)
- F27** Words in s. 17(3)(a) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **25(2)(d)** (with art. 40)
- F28** Words in s. 17(3)(b) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **25(2)(e)** (with art. 40)

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- F29** Words in s. 17(3)(b) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by arts. 1(2) The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), , **25(2)(f)** (with art. 40)
- F30** S. 17(3A)(3B) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(3)** (with art. 40)
- F31** Words in s. 17(4) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(4)(a)** (with art. 40)
- F32** Words in s. 17(4) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(4)(b)** (with art. 40)
- F33** Words in s 17(5) inserted by Energy Act 1983 (c. 25, SIF 44:1), **ss. 31, 37(3)**
- F34** Words in s. 17(5) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(5)(a)** (with art. 40)
- F35** Words in s. 17(5)(a) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(5)(b)** (with art. 40)
- F36** Words in s. 17(5)(b) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **25(5)(c)** (with art. 40)
- F37** S. 17(5A) inserted by Energy Act 1983 (c. 25, SIF 44:1), **s. 31**
- F38** S. 17(7) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), **24(4)** (with art. 40)

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

- C2** 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

- M1** 1933 c. 13.

### [<sup>F39</sup>17A Notice to the Secretary of State of proceedings

- (1) If a person brings proceedings in any part of the United Kingdom in relation to which the condition in subsection (3) is satisfied, the person must notify the Secretary of State of the proceedings when they are brought.
- (2) If a person makes a claim in proceedings brought in any part of the United Kingdom as a result of which the condition in subsection (3) is satisfied in relation to the proceedings, the person must notify the Secretary of State of the proceedings when that claim is made.
- (3) The condition is that—
  - (a) a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 is alleged in the proceedings,
  - (b) the effect of any of sections 7 to 21 and Schedule 1A is in issue in the proceedings, or
  - (c) a matter relating to a relevant international agreement is in issue in the proceedings.

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- (4) When a person notifies the Secretary of State of proceedings under subsection (1), the person must at the same time send the Secretary of State—
  - (a) a copy of the document that initiates the proceedings, and
  - (b) if the claim being made by the person is not set out in the document that initiates the proceedings, a copy of the document that sets out the claim for the purposes of the proceedings.
- (5) When a person notifies the Secretary of State of proceedings under subsection (2), the person must at the same time send the Secretary of State a copy of the document that sets out the claim in question for the purposes of the proceedings.
- (6) A person is to be treated as notifying the Secretary of State of proceedings if the person seeks to make the Secretary of State a party to the proceedings.]

#### Textual Amendments

**F39** S. 17A inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **26** (with art. 40)

### [<sup>F40</sup>17B Right of the Secretary of State to intervene

- (1) If it appears to the Secretary of State that the condition in subsection (2) is satisfied as regards proceedings brought in any part of the United Kingdom, the Secretary of State is entitled, on giving notice to the court, to be joined as a party to those proceedings.
- (2) The condition is that—
  - (a) a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 is alleged in the proceedings,
  - (b) the effect of any of sections 7 to 21 and Schedule 1A is in issue in the proceedings, or
  - (c) a matter relating to a relevant international agreement is in issue in the proceedings.
- (3) The Secretary of State may give notice under subsection (1) at any time during the proceedings.]

#### Textual Amendments

**F40** S. 17B inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **27(1)** (with art. 40)

### [<sup>F41</sup>17C Right of a foreign government to intervene

- (1) If the conditions in subsection (2) are satisfied as regards proceedings brought in any part of the United Kingdom, the government of a country that is a special relevant territory is entitled, on giving notice to the court, to be joined as a party to those proceedings.
- (2) The conditions are that—
  - (a) a breach of a duty imposed on a relevant foreign operator by section 10 is alleged in the proceedings, and

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- (b) the site by reference to which the condition in section 10(4) is alleged to be satisfied is a relevant site of the relevant foreign operator within the territorial limits of the special relevant territory or any overseas territory of that territory that is itself a special relevant territory.

(3) Notice under subsection (1) may be given at any time during the proceedings.]

#### Textual Amendments

**F41** S. 17C inserted (4.5.2016 coming into force in accordance with art. 1(2)-(5)) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **27(2)** (with art. 40)

### [<sup>F42</sup>17D Proceedings conducted by foreign governments

- (1) This section applies to proceedings on—
  - (a) a claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10, or
  - (b) a claim for compensation under section 16(3).
- (2) If the condition in subsection (3) is satisfied in relation to a claim which falls to be determined by a court in the United Kingdom, the government of a foreign country may—
  - (a) bring and conduct proceedings on the claim as the claimant’s representative, or
  - (b) if the proceedings have been initiated, undertake the subsequent conduct of the proceedings as the claimant’s representative.
- (3) The condition is that—
  - (a) in the case of a claim relating to property that is an asset of a trust, the law governing the validity of that trust when proceedings on the claim are initiated is the law of the foreign country, or
  - (b) in any other case, the person whose alleged injury, loss or reason for expenditure is the basis of the claim (and who may be other than the claimant) is a qualifying person as regards the foreign country when proceedings on the claim are initiated.
- (4) A government of a foreign country may not represent the claimant in proceedings by virtue of subsection (2) unless the claimant consents.
- (5) For the purposes of this section a person is a qualifying person as regards a foreign country when proceedings are initiated if the person is at that time or, where the person is an individual and dies before proceedings are initiated, was at the time of death—
  - (a) a national of that country, or
  - (b) a person who is domiciled or resident in that country.
- (6) In this section, “claimant”, in relation to proceedings on a claim falling within subsection (1)(a) or (b), means the person making the claim as a party to the proceedings.]



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### Textual Amendments

**F42** S. 17D inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **28** (with art. 40)

## [<sup>F43</sup>17E Powers of Secretary of State in relation to foreign claims

- (1) If the condition in subsection (2) is satisfied in relation to a claim falling within subsection (3), the Secretary of State may bring and conduct proceedings on the claim as the claimant's representative.
- (2) The condition in this subsection is that—
  - (a) in the case of a claim relating to property that is an asset of a trust, the law governing the validity of that trust when proceedings on the claim are initiated is the law of a part of the United Kingdom, or
  - (b) in any other case, if the person whose alleged injury, loss or reason for expenditure is the basis of the claim (and who may be other than the claimant) is a qualifying person as regards the United Kingdom when the proceedings are initiated.
- (3) A claim falls within this subsection if—
  - (a) it is a claim in respect of an occurrence that gives rise to liability under any relevant foreign law made for purposes corresponding to section 7, 7B, 8, 9 or 10, and
  - (b) it is a claim which, under a relevant international agreement, falls to be determined by a court of a relevant territory other than the United Kingdom or an overseas territory of the United Kingdom.
- (4) The Secretary of State may not represent the claimant in proceedings by virtue of subsection (1) unless the claimant consents.
- (5) Where the Secretary of State brings or conducts proceedings by virtue of subsection (1), the Secretary of State may take such steps as are necessary or appropriate in connection with bringing or conducting those proceedings.
- (6) For the purposes of this section a person is a qualifying person as regards the United Kingdom when proceedings are initiated if the person is at that time or, where the person is an individual and dies before proceedings are initiated, was at the time of death—
  - (a) a United Kingdom national, or
  - (b) a person who is domiciled or resident in the United Kingdom.
- (7) In this section—

“claimant”, in relation to proceedings on a claim falling within subsection (3), means the person making the claim as a party to the proceedings;

“United Kingdom national” means—

  - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
  - (b) a British subject under the British Nationality Act 1981;
  - (c) a British protected person within the meaning of that Act;

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- (d) a Scottish partnership;
- (e) a body incorporated under the law of any part of the United Kingdom.]

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**Textual Amendments**

**F43** S. 17E inserted (4.5.2016 coming into force in accordance with art. 1(2)-(5)) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **29** (with art. 40)

**Status:**

Point in time view as at 04/05/2016.

**Changes to legislation:**

Nuclear Installations Act 1965, Bringing and satisfaction of claims is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.