



Nuclear Installations Act 1965

1965 CHAPTER 57

RIGHT TO COMPENSATION IN RESPECT OF BREACH OF DUTY

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

[^{F1}(1) Compensation is not payable under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 if—

- (a) the breach of duty consisted of an occurrence falling within section 7(1B)(b) or 10(1) which took place wholly within the limits relating to a single relevant territory other than the United Kingdom;
- (b) the breach of duty consisted of an event creating a grave and imminent threat of such breach of duty as is mentioned in paragraph (a) and the event took place wholly within the limits relating to a single relevant territory other than the United Kingdom;
- (c) the injury, damage or significant impairment of the environment caused by the breach of duty was incurred within the territorial limits of a country or territory that is not a qualifying territory; or
- (d) in relation to compensation that would but for this paragraph be claimed under section 11H(1) or (2), the preventive measures in question were or would be taken in a place within the territorial limits of a country or territory that is not a qualifying territory.

(1A) For the purposes of subsection (1), the limits relating to a relevant territory are—

- (a) its territorial limits; and
- (b) where the relevant territory has a relevant maritime zone, the limits of its relevant maritime zone (which are to be treated as applying to sea, sea bed, subsoil and airspace).

(1B) Subsection (1) is subject to subsections (2) and (5).

(1C) Compensation is not payable under this Act in the case of a breach of a duty imposed by section 10 if—

Changes to legislation: Nuclear Installations Act 1965, Section 13 is up to date with all changes known to be in force on or before 13 April 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. (See end of Document for details) View outstanding changes

- (a) the injury, damage or significant impairment of the environment caused by the breach of duty was incurred in, under or above the sea outside the territorial limits of any country or territory; or
 - (b) in relation to compensation that would but for this paragraph be claimed under section 11H(1) or (2), the preventive measures in question were or would be taken in, under or above the sea outside the territorial limits of any country or territory.
- (1D) Subsection (1C) does not apply if the injury, damage or significant impairment of the environment in question was incurred or the preventive measures in question were or would be taken—
- (a) in or above the sea within the exclusive economic zone of any qualifying territory, or
 - (b) on the continental shelf of any qualifying territory.
- (1E) Subsection (1C) is also subject to subsections (2A) and (5).]
- (2) In the case of a breach of a duty imposed by section 7^[F2], 7B], 8 or 9 of this Act, ^[F3]subsection (1)(c) and (d)] 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.
- ^[F4](2A) In the case of a breach of duty imposed by section 10, subsection (1C)(b) does not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in a qualifying territory.]
- (3) Compensation shall not be payable under this Act ^[F5]in the case of] a breach of a duty imposed by section 10 of this Act in respect of such carriage ^[F6]as satisfies the condition in section 10(4) by reference to the condition in section 7A(2)] unless the agreement so referred to was expressed in writing.
- ^[F7](4) A duty imposed by section 7(1A) or (1C), 7B, 8, 9, 10(1) or 11 as regards occurrences—
- (a) does not impose on the person subject to that duty any liability with respect to injury, damage or impairment of the environment caused by an occurrence which constitutes a breach of that duty if the occurrence, or the fact that the occurrence causes the injury, damage or impairment of the environment, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but
 - (b) does impose such a liability where the occurrence, or the fact that the occurrence causes the injury, damage or significant impairment of the environment, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.
- (4A) A duty imposed by section 7(1E), 7B, 8, 9 or 10(1A) as regards events creating a grave and imminent threat of a breach of another duty imposed by section 7, 7B, 8, 9 or 10—
- (a) does not impose any liability on the person subject to that duty if the event is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but
 - (b) does impose such a liability where the event is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.]

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- [^{F8}(5) Where, in the case of an occurrence or event which constitutes a breach of a duty under section 7, 7B, 8, 9 or 10, a person (“A”) other than the person subject to that duty makes a payment to another person (“B”) in respect of material harm connected to the breach of duty or the cost of preventive measures taken after the breach of duty and—
- (a) the payment is made in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4), or
 - (b) the payment is made in accordance with the law of a country or territory that is not a relevant territory,

A may make such claim under this Act (if any) as would have been available to A if the material harm in question had affected A or A’s property or A had incurred the cost of taking the preventive measures.

- (5ZA) A reference in subsection (5) to material harm connected to a breach of a duty under section 7, 7B, 8, 9 or 10 is a reference to—
- (a) injury, damage to property or significant impairment of the environment caused by the occurrence which constitutes the breach of duty, or
 - (b) injury or damage to property caused by a preventive measure taken after the occurrence or event which constitutes the breach of duty.

(5ZB) A claim for compensation under this Act made by A by virtue of subsection (5) is not to be treated as a special relevant claim unless it would have been such a claim if made by B.]

[^{F9}(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 [^{F10}subsection (5)(b), is subject to the limit on liability under section 16(1), (1ZA), [^{F11}(1ZAA),] (1ZB) or (2) that is applicable to the person subject to the duty.]]

[^{F12}(6) The amount of compensation payable to or in respect of any person under this Act by virtue of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 may be reduced in accordance with subsection (7).

- (7) The amount may be reduced if, and to the extent that, the injury, damage or significant impairment of the environment in respect of which the compensation is, or would but for this subsection be, payable to or in respect of the person is attributable to—
- (a) an act or omission of that person done with the intention of causing harm to any person or property or to any part of the environment, or
 - (b) an act or omission of that person done with reckless disregard for the consequences of the act or omission.]

Textual Amendments

- F1** S. 13(1)-(1E) substituted for s. 13(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), **12(2)** (with art. 40)
- F2** Word in s. 13(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(2), **12(3)(a)** (with art. 40)
- F3** Words in s. 13(2) 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), **12(3)(b)** (with art. 40)

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- F4** S. 13(2A) 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), **12(4)** (with art. 40)
- F5** Words in s. 13(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), **12(5)(a)** (with art. 40)
- F6** Words in s. 13(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), **12(5)(b)** (with art. 40)
- F7** S. 13(4)(4A) substituted for s. 13(4) (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), **12(6)** (with art. 40)
- F8** S. 13(5)-(5ZB) substituted for s. 13(5) (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), **13(2)** (with art. 40)
- F9** S. 13(5A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 27(3)**
- F10** Words in s. 13(5A) 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), **13(3)** (with art. 40)
- F11** Word in [s. 13\(5A\)](#) inserted (coming into force in accordance with s. 334(4) of the amending Act) by [Energy Act 2023 \(c. 52\)](#), **Sch. 22 para. 1**
- F12** S. 13(6)(7) substituted for s. 13(6) (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), **14** (with art. 40)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2014 c. 20 Sch. 1 para. 3\(2\)\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2A)(2B) inserted by [2023 c. 52 s. 156\(2\)](#)
- s. 1(12) inserted by [2023 c. 52 s. 302\(2\)](#)
- s. 1(13) inserted by [2023 c. 52 s. 303\(2\)](#)
- s. 3(12A) inserted by [2023 c. 52 s. 303\(3\)\(b\)](#)
- s. 3A inserted by [2023 c. 52 s. 303\(4\)](#)
- s. 5(15)(ba)(bb) inserted by [2023 c. 52 s. 303\(5\)\(f\)](#)
- s. 5A inserted by [2023 c. 52 s. 303\(6\)](#)
- s. 7B(2A) inserted by [2023 c. 52 s. 303\(7\)\(a\)](#)
- s. 7B(2B) inserted by [2023 c. 52 s. 304\(2\)\(a\)](#)
- s. 7B(3)(e) inserted by [2023 c. 52 s. 304\(2\)\(b\)](#)
- s. 7B(3A) inserted by [2023 c. 52 s. 304\(2\)\(c\)](#)
- s. 7B(5A) inserted by [2023 c. 52 s. 303\(7\)\(c\)](#)
- s. 7B(7A) inserted by [2023 c. 52 s. 304\(2\)\(e\)](#)
- s. 20(5A) inserted by [2023 c. 52 s. 304\(4\)](#)
- s. 27(1)(aa) inserted by [2023 c. 52 s. 303\(8\)](#)