



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### BRINGING AND SATISFACTION OF CLAIMS

#### 17 Jurisdiction, shared liability and foreign judgments.

(1) No court in the United Kingdom <sup>F1</sup>... shall have jurisdiction to determine any claim or question under this Act certified by [<sup>F2</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>F3</sup>...; and any proceedings to enforce such a claim which are commenced in any court in the United Kingdom <sup>F4</sup>... shall be set aside.

<sup>F5</sup>(2) .....

(3) Where by virtue of any one or more of the following, that is to say, sections 7, [<sup>F6</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>F7</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>F8</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>F9</sup>that matter]; and
- (b) until claims against each of those persons in respect of the [<sup>F10</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>F11</sup>that matter].

[<sup>F12</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;

*Changes to legislation: Nuclear Installations Act 1965, Section 17 is up to date with all changes known to be in force on or before 22 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*

- (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) [<sup>F13</sup>, (1ZAA)] or (1ZB), or
  - (b) the relevant foreign law made for purposes corresponding to section 16(1ZA) [<sup>F14</sup>, (1ZAA)] 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>F15</sup>of a relevant territory other than the United Kingdom] which is certified by [<sup>F16</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>F17</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>F18</sup>or territory] outside the United Kingdom for that person to show that—
- (a) the sum in question was awarded in respect of [<sup>F19</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>F20</sup>or territory] 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>F21</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>F22</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

- F1** 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)
- F2** 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)

---

**Changes to legislation:** Nuclear Installations Act 1965, Section 17 is up to date with all changes known to be in force on or before 22 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

---

- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** Words in s. 17(3B)(a) inserted (coming into force in accordance with s. 334(4) of the amending Act) by [Energy Act 2023 \(c. 52\)](#), **Sch. 22 para. 5**
- F14** Words in s. 17(3B)(b) inserted (coming into force in accordance with s. 334(4) of the amending Act) by [Energy Act 2023 \(c. 52\)](#), **Sch. 22 para. 5**
- F15** 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)
- F16** 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)
- F17** Words in s 17(5) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **ss. 31, 37(3)**
- F18** 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)
- F19** 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)
- F20** 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)
- F21** S. 17(5A) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 31**
- F22** 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)

---

**Changes to legislation:** Nuclear Installations Act 1965, Section 17 is up to date with all changes known to be in force on or before 22 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

---

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

**C1** 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.

**Changes to legislation:**

Nuclear Installations Act 1965, Section 17 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

**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\(8\)](#)