



# 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 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 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 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 of five million pounds; or
    - (ii) in the case of a relevant foreign operator, up to such aggregate amount, not being less than one and three-quarter million pounds, as may be provided for by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act,

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*Status: This is the original version (as it was originally enacted).*

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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) 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.
- (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.