



Congenital Disabilities (Civil Liability) Act 1976

1976 CHAPTER 28

3 Disabled birth due to radiation.

- (1) Section 1 of this Act does not affect the operation of the ^{M1}Nuclear Installations Act 1965 as to liability for, and compensation in [^{F1}respect of—
- (a) injury, damage or significant impairment of the environment caused by occurrences involving nuclear matter or the emission of ionising radiations, or
 - (b) injury or damage caused by preventive measures taken after a breach of duty under section 7, 7B, 8, 9 or 10 of that Act.]
- (2) For the avoidance of doubt anything which—
- (a) affects a man in his ability to have a normal, healthy child; or
 - (b) affects a woman in that ability, or so affects her when she is pregnant that her child is born with disabilities which would not otherwise have been present,
- is an injury for the purposes of that Act.
- (3) If a child is born disabled as the result of an injury to either of its parents [^{F2}that is] caused in breach of a duty imposed by any of sections 7 to 11 of that Act (nuclear site licensees and others to secure that nuclear incidents do not cause injury to persons, etc.) [^{F3}or that is an injury falling within subsection (3A)], the child's disabilities are to be regarded under the subsequent provisions of that Act (compensation and other matters) as injuries caused on the same occasion, and by the same breach of duty, as was the injury to the parent.
- [^{F4}(3A) An injury falls within this subsection if—
- (a) it 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 imposed by section 7, 7B, 8, 9 or 10 of that Act.]
- (4) As respects compensation to the child, section [^{F5}13(7)] of that Act (contributory fault of person injured by radiation) is to be applied as if the [^{F6}references in section 13(7) to a person's act or omission were references to the act or omission of] the parent.

Changes to legislation: There are currently no known outstanding effects for the Congenital Disabilities (Civil Liability) Act 1976, Section 3. (See end of Document for details)

- (5) Compensation is not payable in the child's case if the injury to the parent preceded the time of the child's conception and at that time either or both of the parents knew the risk of their child being born disabled (that is to say, the particular risk created by the injury).

Textual Amendments

- F1** Words in s. 3(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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(2)** (with art. 40)
- F2** Words in s. 3(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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(3)(a)** (with art. 40)
- F3** Words in s. 3(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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(3)(b)** (with art. 40)
- F4** S. 3(3A) 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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(4)** (with art. 40)
- F5** Word in s. 3(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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(5)(a)** (with art. 40)
- F6** Words in s. 3(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 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 2(5)(b)** (with art. 40)

Marginal Citations

- M1** 1965 c. 57.

Changes to legislation:

There are currently no known outstanding effects for the Congenital Disabilities (Civil Liability) Act 1976, Section 3.