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STATUTORY INSTRUMENTS

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**2016 No. 562**

**The Nuclear Installations (Liability for Damage) Order 2016**

**Extension of rights to compensation in certain cases**

**13.**—(1) Section 13 of the 1965 Act is further amended as follows.

(2) For subsection (5)(1) (claim for compensation by a person who makes a payment in respect of injury etc but not because the person is subject to a duty under this Act) substitute—

“(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.”

(3) In subsection (5A)(2) (limit on claims made by virtue of subsection (5)), for the words from “paragraph (b)” to the end substitute “subsection (5)(b), is subject to the limit on liability under section 16(1), (1ZA), (1ZB) or (2) that is applicable to the person subject to the duty.”

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(1) Section 13(5) was amended by the Nuclear Installations Act 1969 c.18, section 3 and the Energy Act 1983 c.25, section 27(3).  
(2) Section 13(5A) was inserted by the Energy Act 1983 c.25, section 27(3).