
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Time for bringing claims under sections 7 to 11

17.—(1) Section 15 of the 1965 Act (time for bringing claims under sections 7 to 11) is amended as follows.

(2) For subsection (1) (claim not to be entertained if made more than 30 years after the relevant date) substitute—

“(1) A claim by virtue of section 7, 7B, 8, 9, 10 or 11 of this Act may be made at any time before, but is not to be entertained if made at any time after, the expiration of 10 years from the relevant date.

(1A) Subsection (1) is subject to subsections (3), (4) and (6).”

(3) At the end of the section insert—

“(3) A claim in respect of injury caused by a breach of a duty under section 7, 7B, 8, 9, 10 or 11 may be made at any time before, but is not to be entertained if made at any time after, the expiration of 30 years from the relevant date.

(4) A claim in respect of injury where—

(a) that injury 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 under section 7, 7B, 8, 9 or 10,

may be made at any time before, but is not to be entertained if made at any time after, the expiration of 30 years from the relevant date.

(5) Subsections (3) and (4) are subject to subsection (6).

(6) A claim made after the expiration of the period that applies to it because of subsection (1), (3) or (4) may be entertained if—

(a) the European Nuclear Energy Tribunal has determined that a court in the United Kingdom has jurisdiction in respect of that claim or description of claim, and

(b) the claim is brought—

(i) within the period specified by the Tribunal, or

(ii) if the Tribunal does not specify a period, within the period of 28 days beginning with the day after the day on which the Tribunal made its determination.

(7) This section has effect notwithstanding provision in any other enactment about the period of time for the bringing of proceedings.

(8) A reference in this section to the relevant date is—

(a) in the case of a claim in respect of an occurrence which constitutes a breach of a person's duty under section 7(1A) or (1C), 7B, 8, 9, 10(1) or 11, a reference to—

(i) the date of the occurrence,

- (ii) where the occurrence is a continuing one, the date of the last thing to happen in the course of that occurrence,
 - (iii) where the occurrence is one of a succession of occurrences, all of which are attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a relevant site of a particular operation, the date of the last thing to happen in the course of that succession of occurrences, or
 - (iv) where the occurrence is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, the date of the last thing to happen in the course of that succession of occurrences;
- (b) in the case of a claim in respect of an event which constitutes a breach of a person's duty under section 7(1E), 7B, 8, 9 or 10(1A) because it created a grave and imminent threat of a breach of another duty imposed by section 7, 7B, 8, 9 or 10, a reference to—
- (i) the date of the event,
 - (ii) where the event is a continuing one, the date of the last thing to happen in the course of that event,
 - (iii) where the event is one of a succession of events, all of which are attributable to a particular happening on a particular relevant site, the date of the last thing to happen in the course of that succession of events, or
 - (iv) where the event is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, the date of the last thing to happen in the course of that succession of events.”