
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Jurisdiction of courts in the United Kingdom

23. After section 16B of the 1965 Act (inserted by article 22) insert—

“16C Jurisdiction of courts in the United Kingdom

(1) This section has effect, subject to section 17(1), for determining which of the High Court of Justice, the Court of Session and the High Court of Justice in Northern Ireland has jurisdiction in the case of—

- (a) a claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10, or
- (b) an application for the determination of a question relating to such a claim.

(2) The High Court of Justice has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within the part of the United Kingdom that consists of England and Wales.

(3) The Court of Session has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within Scotland.

(4) The High Court of Justice in Northern Ireland has jurisdiction if the claim relates to an occurrence or event constituting a breach of duty that takes place wholly within Northern Ireland.

(5) For the purposes of subsections (2) to (4) as they apply to an occurrence falling within section 7(1B)(b) or 10(1) or to an event creating a threat of a breach of duty consisting of such an occurrence—

- (a) an occurrence or event that continues while the matter involved is carried from one part of the United Kingdom to another, is to be treated as taking place in the part where it began;
- (b) an occurrence that is one of a succession of occurrences or an event that is one of a succession of events, all of which are attributable to a particular happening and take place during one course of carriage, is to be treated as taking place in whichever part of the United Kingdom is the part where the first occurrence in that succession of occurrences, or the first event in that succession of events, happened;
- (c) an occurrence or event that takes place within more than one part of the United Kingdom at the same time, and to which neither paragraph (a) nor paragraph (b) applies, is to be treated as taking place in whichever part of the United Kingdom is the part within which the matter involved was last wholly located before the occurrence or event took place.

(6) If none of subsections (2) to (4) applies in the case of a claim or application, the court that has jurisdiction is—

- (a) if the claim relates to a person’s breach of duty as the licensee of a licensed site in the part of the United Kingdom consisting of England and Wales, the operator of

a relevant disposal site in that part of the United Kingdom, or the occupier of any other relevant site in that part of the United Kingdom, the High Court of Justice;

- (b) if the claim relates to a person's breach of duty as the licensee of a licensed site in Scotland, the operator of a relevant disposal site in Scotland, or the occupier of any other relevant site in Scotland, the Court of Session;
- (c) if the claim relates to a person's breach of duty as the licensee of a licensed site in Northern Ireland, the operator of a relevant disposal site in Northern Ireland, or the occupier of any other relevant site in Northern Ireland, the High Court of Justice in Northern Ireland.

(7) If, in consequence of a single occurrence or event that constitutes two or more breaches of the duties imposed by sections 7, 7B, 8, 9 and 10, more than one court would have jurisdiction under subsection (6), the court that is to have jurisdiction is the High Court of Justice.

(8) The High Court of Justice has jurisdiction in the case of a claim or application which falls under a relevant international agreement to be determined by a court in the United Kingdom but to which none of subsections (2) to (6) applies.

(9) In this section—

- (a) a reference to a part of the United Kingdom is a reference to—
 - (i) England and Wales,
 - (ii) Scotland, or
 - (iii) Northern Ireland;
- (b) a reference to England and Wales includes a reference to—
 - (i) areas within the territorial limits of the United Kingdom, other than Scotland or Northern Ireland or areas adjacent to Scotland or Northern Ireland, and
 - (ii) the relevant maritime zone of the United Kingdom, other than the relevant maritime zone adjacent to Scotland or Northern Ireland, and the sea bed and subsoil within, and the airspace above, that part of that zone;
- (c) a reference to Scotland includes a reference to—
 - (i) areas within the territorial limits of the United Kingdom that are adjacent to Scotland, and
 - (ii) the relevant maritime zone of the United Kingdom adjacent to Scotland and the sea bed and subsoil within, and the airspace above, that part of that zone;
- (d) a reference to Northern Ireland includes a reference to—
 - (i) areas within the territorial limits of the United Kingdom that are adjacent to Northern Ireland, and
 - (ii) the relevant maritime zone of the United Kingdom adjacent to Northern Ireland and the sea bed and subsoil within, and the airspace above, that part of that zone.

(10) For the purposes of this section—

- (a) an area is adjacent to Scotland if it lies within the boundaries determined under section 126(2) of the Scotland Act 1998;
- (b) an area is adjacent to Northern Ireland if it lies within the boundaries determined under section 98(8) of the Northern Ireland Act 1998.”