
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Proceedings conducted by foreign governments

28. After section 17C of the 1965 Act (inserted by article 27) insert—

“17D Proceedings conducted by foreign governments

- (1) This section applies to proceedings on—
 - (a) a claim by virtue of a duty imposed on a person by section 7, 7B, 8, 9 or 10, or
 - (b) a claim for compensation under section 16(3).
- (2) If the condition in subsection (3) is satisfied in relation to a claim which falls to be determined by a court in the United Kingdom, the government of a foreign country may—
 - (a) bring and conduct proceedings on the claim as the claimant’s representative, or
 - (b) if the proceedings have been initiated, undertake the subsequent conduct of the proceedings as the claimant’s representative.
- (3) The condition is that—
 - (a) in the case of a claim relating to property that is an asset of a trust, the law governing the validity of that trust when proceedings on the claim are initiated is the law of the foreign country, or
 - (b) in any other case, the person whose alleged injury, loss or reason for expenditure is the basis of the claim (and who may be other than the claimant) is a qualifying person as regards the foreign country when proceedings on the claim are initiated.
- (4) A government of a foreign country may not represent the claimant in proceedings by virtue of subsection (2) unless the claimant consents.
- (5) For the purposes of this section a person is a qualifying person as regards a foreign country when proceedings are initiated if the person is at that time or, where the person is an individual and dies before proceedings are initiated, was at the time of death—
 - (a) a national of that country, or
 - (b) a person who is domiciled or resident in that country.
- (6) In this section, “claimant”, in relation to proceedings on a claim falling within subsection (1)(a) or (b), means the person making the claim as a party to the proceedings.”