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STATUTORY INSTRUMENTS

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**2016 No. 562**

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

**Powers of Secretary of State in relation to foreign claims**

**29.** After section 17D of the 1965 Act (inserted by article 28) insert—

**“17E Powers of Secretary of State in relation to foreign claims**

(1) If the condition in subsection (2) is satisfied in relation to a claim falling within subsection (3), the Secretary of State may bring and conduct proceedings on the claim as the claimant’s representative.

(2) The condition in this subsection 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 a part of the United Kingdom, or
- (b) in any other case, if 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 United Kingdom when the proceedings are initiated.

(3) A claim falls within this subsection if—

- (a) it is a claim in respect of an occurrence that gives rise to liability under any relevant foreign law made for purposes corresponding to section 7, 7B, 8, 9 or 10, and
- (b) it is a claim which, under a relevant international agreement, falls to be determined by a court of a relevant territory other than the United Kingdom or an overseas territory of the United Kingdom.

(4) The Secretary of State may not represent the claimant in proceedings by virtue of subsection (1) unless the claimant consents.

(5) Where the Secretary of State brings or conducts proceedings by virtue of subsection (1), the Secretary of State may take such steps as are necessary or appropriate in connection with bringing or conducting those proceedings.

(6) For the purposes of this section a person is a qualifying person as regards the United Kingdom 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 United Kingdom national, or
- (b) a person who is domiciled or resident in the United Kingdom.

(7) In this section—

“claimant”, in relation to proceedings on a claim falling within subsection (3), means the person making the claim as a party to the proceedings;

“United Kingdom national” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) a British subject under the British Nationality Act 1981;
- (c) a British protected person within the meaning of that Act;
- (d) a Scottish partnership;
- (e) a body incorporated under the law of any part of the United Kingdom.”