
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Power to make arrangements with respect to licensee's or operator's cover

34.—(1) After section 20 of the 1965 Act(1) insert—

“20A Power to make arrangements with respect to licensee's or operator's cover

(1) The Secretary of State may make arrangements with any person for the purpose of enabling—

- (a) the licensee of a licensed site, or
- (b) the operator of a relevant disposal site,

to make the provision required by section 19(1).

(2) The arrangements that may be made under subsection (1) include—

- (a) the provision of insurance or reinsurance;
- (b) the provision of an indemnity or guarantee.

(3) The power under subsection (1) does not include a power to make grants.

(4) Arrangements made by the Secretary of State under subsection (1) are to be on such terms as the Secretary of State considers appropriate.

(5) The Secretary of State is not to make arrangements under subsection (1) except with the consent of the Treasury.

(6) Sums received by the Secretary of State under arrangements made under subsection (1) are to be paid into the Consolidated Fund.

(7) Sums required by the Secretary of State for fulfilling obligations arising under arrangements made under subsection (1) are to be paid out of money provided by Parliament.

(8) If any sum required by the Secretary of State for fulfilling obligations under arrangements made under subsection (1) is not paid out of money provided by Parliament, it is to be charged on and paid out of the Consolidated Fund.

(9) Where money is paid in reliance on subsection (8), the Secretary of State must as soon as is reasonably practicable lay a report before Parliament specifying the amount paid and the arrangements under which the amount fell to be paid.”

(2) After section 20A of the 1965 Act (inserted by paragraph (1)) insert—

“20B Statement on arrangements

(1) As soon as reasonably practicable after making arrangements under section 20A(1), the Secretary of State is to lay before Parliament a statement about the arrangements.

(2) A statement under subsection (1) is to set out—

(1) The functions conferred by section 20 have been transferred, in so far as they are exercisable in or as regards Scotland, to the Scottish Ministers by [S.I. 1999/1750](#), article 2, Schedule 1.

- (a) the licensee or operator for whose benefit the arrangements are made;
 - (b) the nature of the arrangements;
 - (c) the amount that may be required to discharge the Secretary of State's obligations under the arrangements.
- (3) While the arrangements continue, the Secretary of State is to make a further statement about the arrangements as soon as reasonably practicable after the end of each report period.
- (4) A statement under subsection (3) is to set out—
- (a) any changes in the arrangements;
 - (b) the amount that may be required to discharge the Secretary of State's obligations under the arrangements.
- (5) "Report period", in relation to arrangements made under section 20A(1), means—
- (a) the period of two years beginning with the day on which the statement under subsection (1) was laid before Parliament, and
 - (b) each successive period of two years."

(3) If this article comes into force before the main commencement day, the reference in section 20A(1) of the 1965 Act to the provision required by section 19(1) of the 1965 Act is to be treated from the time when this article comes into force as a reference to the provision that would be required by section 19(1) on and after the main commencement day.