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STATUTORY INSTRUMENTS

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**2016 No. 562**

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

**Duties of Crown in respect of certain sites**

6.—(1) Section 9 of the 1965 Act (duty of Crown in respect of certain sites) is amended as follows.

(2) The section is renumbered as subsection (1).

(3) In that subsection (1), for “section 7” substitute “sections 7 and 7A”.

(4) After subsection (1) insert—

“(2) If a government department uses a site for a purpose which, if section 7B applied to the Crown, would cause the site to be a relevant disposal site, sections 7 and 7A are to apply in respect of that site as they apply in relation to the licensee of a licensed site, but with the following modifications—

- (a) a reference to a case in which a nuclear site licence has been granted is to be read as a reference to a case in which a site is used by a government department for a purpose which, if section 7B applied to the Crown, would cause the site to be a relevant disposal site (a “disposal purpose”);
- (b) a reference in those sections to a site in respect of which a nuclear site licence has been granted is to be read as a reference to a site used by a government department for a disposal purpose;
- (c) a reference in those sections to the licensee of a licensed site is to be read as a reference to the government department that is using a site for a disposal purpose;
- (d) paragraph (d) of section 7(3B) is to be disregarded;
- (e) the reference in section 7(1B)(a) to the period of responsibility of a licensee under a nuclear site licence is to be read, when applied in relation to a government department using a site for a disposal purpose, as a reference to the period during which the department is responsible for the site.

(3) For the purposes of subsection (2)(e) a government department is responsible for a site used by it for a disposal purpose, or for any part of a site so used by it, during the period that—

(a) begins—

(i) when article 4 of the Nuclear Installations (Liability for Damage) Order 2016 comes fully into force, or

(ii) if later, when the department starts to use the site or, as the case may be, part of it for a disposal purpose, and

(b) ends with whichever of the dates in subsection (4) is the earliest.

(4) The dates referred to in subsection (3)(b) are—

(a) the date when the department ceases to occupy the site or, as the case may be, part of it, and

(b) the date when, if section 1 applied to the Crown, the use of the site or, as the case may be, part of it would require the authority of a nuclear site licence.

(5) In determining for the purposes of subsection (2) whether a use of a site would, if section 7B applied to the Crown, cause the site to be a relevant disposal site—

- (a) section 7B(5)(a) is to be read as if it referred to a site or part of a site which is or was used for a purpose which, if section 1 applied to the Crown, would require the authority of a nuclear site licence in respect of that site,
- (b) section 7B(5)(c) is to be disregarded,
- (c) any limitation on the application to the Crown of a requirement to have an appropriate permit is to be disregarded, and
- (d) the Crown is to be taken to have complied with any requirement which would, if complied with, exempt a person from being required to have an appropriate permit in relation to the site.”