

SCHEDULE 1

Article 8(2)

Measures of reinstatement outside the United Kingdom
The following is the Schedule to be inserted as Schedule 1A to the 1965 Act—

“SCHEDULE 1A

MEASURES OF REINSTATEMENT OUTSIDE THE UNITED KINGDOM

Measures of reinstatement

1.—(1) Where as a result of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 there is significant impairment of the environment within the territorial limits, in or above the exclusive economic zone, or on the continental shelf of a qualifying territory other than the United Kingdom, a person may make a claim under this Act for compensation in respect of the reasonable cost of measures of reinstatement relating to that impairment, to the extent that they are relevant measures of reinstatement.

(2) Sub-paragraph (1) is subject to paragraphs 2 and 3.

(3) A relevant measure of reinstatement, in relation to significant impairment of the environment, is a measure reasonably taken for the purpose of—

- (a) reinstating or restoring what has been destroyed or damaged as part of that impairment, or
- (b) establishing the equivalent of what has been destroyed or damaged as part of that impairment.

(4) A measure of reinstatement is reasonably taken for the purposes of this paragraph if taking that measure is appropriate and proportionate in the circumstances.

Persons able to take measures

2. No compensation under this Act is payable by virtue of a claim under paragraph 1 unless the person taking the relevant measures of reinstatement is entitled to take the measures in question under the law of the qualifying territory.

Approval of measures of reinstatement

3. Compensation under this Act is payable by virtue of a claim under paragraph 1 only if the claim relates to measures of reinstatement approved by a person who is competent to do so under any law of the qualifying territory made for purposes corresponding to section 11B (a “competent authority”).”