

Nuclear Installations Act 1965

CHAPTER 57

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ELIZABETH II



CHAPTER 57

An Act to consolidate the Nuclear Installations Acts
1959 and 1965 [5th August 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Control of certain nuclear installations and operations

1.—(1) Without prejudice to the requirements of any other Act, no person other than the Authority shall use any site for the purpose of installing or operating—

Restriction of certain nuclear installations to licensed sites.

(a) any nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or

(b) subject to subsection (2) of this section, any other installation of such class or description as may be prescribed, being an installation designed or adapted for—

(i) the production or use of atomic energy; or

(ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or

(iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter,

being matter which has been produced or irradiated in the course of the production or use of nuclear fuel,

unless a licence so to do (in this Act referred to as a "nuclear site licence") has been granted in respect of that site by the Minister and is for the time being in force.

(2) Regulations made by virtue of paragraph (b) of the foregoing subsection may exempt, or make provision for exempting, from the requirements of that subsection, either unconditionally or subject to prescribed conditions, any installation which the Minister is satisfied is not, or if the prescribed conditions were complied with would not be, a relevant installation.

(3) Any person who contravenes subsection (1) of this section shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both.

Prohibition of certain operations except under permit.

2.—(1) Notwithstanding that a nuclear site licence is for the time being in force or is not for the time being required in respect thereof, no person other than the Authority shall use any site—

- (a) for any treatment of irradiated matter which involves the extraction therefrom of plutonium or uranium ; or
- (b) for any treatment of uranium such as to increase the proportion of the isotope 235 contained therein,

except under, and in accordance with the terms of, a permit in writing for such a use of the site for purposes of research or development granted by the Authority or a government department ; and any fissile material produced under such a permit shall be disposed of only in such manner as may be approved by the authority by whom the permit was granted.

(2) Any person who contravenes the foregoing subsection shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both.

Nuclear site licences

3.—(1) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable. Grant and variation of nuclear site licences.

(2) Two or more installations in the vicinity of one another may, if the Minister thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(3) Subject to subsection (4) of this section, where it appears to the Minister appropriate so to do in the case of any application for a nuclear site licence in respect of any site, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say—

(a) any local authority ;

(b) any river authority, any local fisheries committee and any statutory water undertakers within the meaning of the Water Acts 1945 and 1948 ;

(c) any river purification board within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act 1951, 1951 c. 66, any district board constituted under the Salmon Fisheries (Scotland) Acts 1828 to 1868, the board of commissioners appointed under the Tweed Fisheries Act 1857, and any local water authority within the meaning of the Water (Scotland) Acts 1946 and 1949 ; and 1857 c. cxlviii.

(d) any other body which is a public or local authority,

notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence, and stating that representations with respect thereto may be made to the Minister by the body upon whom the notice is served at any time within three months of the date of service ; and where such a direction has been given, the Minister shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices.

(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station made by an electricity board within the meaning of the Electricity Acts 1947 to 1961 or of the Electricity (Scotland) Acts 1943 to 1957 or by any authorised undertakers within the meaning of the Electricity (Supply) Acts (Northern Ireland) 1882 to 1959.

(5) A nuclear site licence may include provision with respect to the time from which section 19(1) of this Act is to apply in relation to the licensed site, and where such provision is so included the said section 19(1) shall not apply until that time

or the first occasion after the grant of the licence on which any person uses the site for the operation of a nuclear installation, whichever is the earlier.

(6) The Minister may from time to time vary any nuclear site licence by excluding therefrom any part of the licensed site—

- (a) which the licensee no longer needs for any use requiring such a licence ; and
- (b) with respect to which the Minister is satisfied that there is no danger from ionising radiations from anything on that part of the site.

Attachment
of conditions
to licences.

4.—(1) The Minister by instrument in writing shall on granting any nuclear site licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Minister to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision—

- (a) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site ;
- (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site ;
- (c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site ;
- (d) without prejudice to sections 6 and 8 of the Radioactive Substances Act 1960, with respect to the discharge of any substance on or from the site.

1960 c. 34.

(2) The Minister may at any time by instrument in writing attach to a nuclear site licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of nuclear matter.

(3) The Minister may at any time by a further instrument in writing vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.

(4) While a nuclear site licence remains in force in respect of any site, the Minister shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his powers under the foregoing provisions of this section.

(5) At all times while a nuclear site licence remains in force, the licensee shall cause copies of any conditions for the time being in force under this section to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions.

(6) Any person who contravenes subsection (5) of this section, and, in the event of any contravention of any condition attached to a nuclear site licence by virtue of this section, the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence and be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of the said subsection (5) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

5.—(1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee. Revocation
and surrender
of licences.

(2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector ; and the Minister may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Minister may think fit for preventing or giving warning of any risk of injury to any person or damage to any property by ionising radiations from anything remaining on the site.

(3) In this Act, the expression “period of responsibility” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with whichever of the following dates is the earlier, that is to say—

- (a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister there has ceased to be any danger from ionising radiations

from anything on the site or, as the case may be, on that part thereof ;

- (b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part thereof is granted either to the same licensee or to some other person,

except that it does not include any period during which section 19(1) of this Act does not apply in relation to the site.

(4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence and be liable—

(a) on summary conviction—

(i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds ;

(ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;

(b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of the said subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

(5) For the purposes of subsection (4)(a) of this section, a conviction under section 2(4) of the Act of 1959 by reason of a contravention of a direction in force under section 2(2) of that Act shall be deemed to be a conviction of an offence under subsection (4) of this section.

Maintenance
of list of
licensed
sites.

6.—(1) Subject to subsection (2) of this section, the Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted by him and including a map or maps showing the position and limits of each such site, and make arrangements for the list or a copy thereof to be available for inspection by the public ; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate.

(2) The said list shall not be required to show any site or part of a site in the case of which—

(a) no nuclear site licence is for the time being in force ; and

(b) thirty years have elapsed since the expiration of the last licensee's period of responsibility.

Duty of licensee, etc., in respect of nuclear occurrences

7.—(1) Where a nuclear site licence has been granted in respect of any site, it shall be the duty of the licensee to secure that—

Duty of licensee of licensed site.

(a) no such occurrence involving nuclear matter as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than the licensee, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter; and

(b) no ionising radiations emitted during the period of the licensee's responsibility—

(i) from anything caused or suffered by the licensee to be on the site which is not nuclear matter; or

(ii) from any waste discharged (in whatever form) on or from the site,

cause injury to any person or damage to any property of any person other than the licensee.

(2) The occurrences referred to in subsection (1)(a) of this section are—

(a) any occurrence on the licensed site during the period of the licensee's responsibility, being an occurrence involving nuclear matter;

(b) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which at the time of the occurrence—

(i) is in the course of carriage on behalf of the licensee as licensee of that site; or

(ii) is in the course of carriage to that site with the agreement of the licensee from a place outside the relevant territories; and

(iii) in either case, is not on any other relevant site in the United Kingdom;

(c) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which—

(i) having been on the licensed site at any time during the period of the licensee's responsibility; or

(ii) having been in the course of carriage on behalf of the licensee as licensee of that site,

has not subsequently been on any relevant site, or in the course of any relevant carriage, or (except in the

course of relevant carriage) within the territorial limits of a country which is not a relevant territory.

(3) In determining the liability by virtue of subsection (1) of this section in respect of any occurrence of the licensee of a licensed site, any property which at the time of the occurrence is on that site, being—

(a) a nuclear installation ; or

(b) other property which is on that site—

(i) for the purpose of use in connection with the operation, or the cessation of the operation, by the licensee of a nuclear installation which is or has been on that site ; or

(ii) for the purpose of the construction of a nuclear installation on that site,

shall, notwithstanding that it is the property of some other person, be deemed to be the property of the licensee.

Duty of
Authority.

8. Section 7 of this Act shall apply in relation to the Authority—

(a) as if any premises which are or have been occupied by the Authority were a site in respect of which a nuclear site licence has been granted to the Authority ; and

(b) as if in relation to any such premises any reference to the period of the licensee's responsibility were a reference to any period during which the Authority is in occupation of those premises.

Duty of Crown
in respect of
certain sites.

9. If a government department uses any site for any purpose which, if section 1 of this Act applied to the Crown, would require the authority of a nuclear site licence in respect of that site, section 7 of this Act shall apply in like manner as if—

(a) the Crown were the licensee under a nuclear site licence in respect of that site ; and

(b) any reference to the period of the licensee's responsibility were a reference to any period during which the department occupies the site.

Duty of
certain foreign
operators.

10.—(1) In the case of any nuclear matter which is not excepted matter and which—

(a) is—

(i) in the course of carriage on behalf of a relevant foreign operator ; or

(ii) in the course of carriage to such an operator's relevant site with the agreement of that operator from a place outside the relevant territories,

and is not for the time being on any relevant site in the United Kingdom ; or

- (b) having been on such an operator's relevant site or in the course of carriage on behalf of such an operator, has not subsequently been on any relevant site or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

it shall be the duty of that operator to secure that no occurrence such as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than that operator, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

(2) The occurrences referred to in the foregoing subsection are—

- (a) an occurrence taking place wholly or partly within the territorial limits of the United Kingdom; or
 (b) an occurrence outside the said territorial limits which also involves nuclear matter in respect of which a duty is imposed on any person by section 7, 8 or 9 of this Act.

11. Where any nuclear matter, not being excepted matter, is in the course of carriage within the territorial limits of the United Kingdom on behalf of any person (hereafter in this section referred to as "the responsible party") and—

Duty of other persons causing nuclear matter to be carried.

- (a) the carriage is not relevant carriage; and
 (b) the nuclear matter is not for the time being on any relevant site,

it shall be the duty of the responsible party to secure that no occurrence involving that nuclear matter causes injury to any person or damage to any property of any person other than the responsible party, being injury or damage incurred within the said territorial limits and arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

Right to compensation in respect of breach of duty

12.—(1) Where any injury or damage has been caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act—

Right to compensation by virtue of ss. 7 to 10.

- (a) subject to sections 13(1), (3) and (4), 15 and 17(1) of this Act, compensation in respect of that injury or damage shall be payable in accordance with section 16 of this Act wherever the injury or damage was incurred;

(b) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.

(2) Subject to subsection (3) of this section, any injury or damage which, though not caused in breach of such a duty as aforesaid, is not reasonably separable from injury or damage so caused shall be deemed for the purposes of subsection (1) of this section to have been so caused.

(3) Where any injury or damage is caused partly in breach of such a duty as aforesaid and partly by an emission of ionising radiations which does not constitute such a breach, subsection (2) of this section shall not affect any liability of any person in respect of that emission apart from this Act, but a claimant shall not be entitled to recover compensation in respect of the same injury or damage both under this Act and otherwise than under this Act.

(4) Subject to section 13(5) of this Act, nothing in subsection (1)(b) of this section shall affect—

(a) the operation of the Carriage of Goods by Sea Act 1924; or

(b) the operation of the Carriage by Air Act 1932, the Carriage by Air Act 1961 or the Carriage by Air (Supplementary Provisions) Act 1962 in relation to any international carriage to which a convention referred to in the Act in question applies; or

(c) the operation of any Act which may be passed to give effect to the Convention on the Contract for the International Carriage of Goods by Road signed at Geneva on 19th May 1956.

1924 c. 22.

1932 c. 36.

1961 c. 27.

1962 c. 43.

Exclusion, extension or reduction of compensation in certain cases.

13.—(1) Subject to subsections (2) and (5) of this section, compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 7, 8, 9 or 10 thereof if the injury or damage—

(a) was caused by such an occurrence as is mentioned in section 7(2)(b) or (c) or 10(2)(b) of this Act which is shown to have taken place wholly within the territorial limits of one, and one only, of the relevant territories other than the United Kingdom; or

(b) was incurred within the territorial limits of a country which is not a relevant territory.

(2) In the case of a breach of a duty imposed by section 7, 8 or 9 of this Act, subsection (1)(b) of this section shall not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in the United Kingdom.

(3) Compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 10 of this Act in respect of such carriage as is referred to in subsection (1)(a)(ii) of that section unless the agreement so referred to was expressed in writing.

(4) The duty imposed by section 7, 8, 9, 10 or 11 of this Act—

(a) shall not impose any liability on the person subject to that duty with respect to injury or damage caused by an occurrence which constitutes a breach of that duty if the occurrence, or the causing thereby of the injury or damage, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom ; but

(b) shall impose such a liability where the occurrence, or the causing thereby of the injury or damage, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.

(5) Where, in the case of an occurrence which constitutes a breach of a duty imposed by section 7, 8, 9 or 10 of this Act, a person other than the person subject to that duty makes any payment in respect of injury or damage caused by that occurrence and—

(a) the payment is made in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act ; or

(b) the occurrence took place within the territorial limits of a country which is not a relevant territory, and the payment is made by virtue of a law of that country and by a person who has his principal place of business in a relevant territory or is acting on behalf of such a person,

the person making the payment may make the like claim under this Act for compensation of the like amount, if any, not exceeding the amount of the payment made by him, and, in the case of a claim by virtue of paragraph (b) of this subsection, not exceeding five million pounds, as would have been available to him if—

(i) the injury in question had been suffered by him or, as the case may be, the property suffering the damage in question had been his ; and

(ii) subsection (1) of this section had not been passed.

(6) The amount of compensation payable to or in respect of any person under this Act in respect of any injury or damage caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act may be reduced by reason of the fault of that person if,

but only if, and to the extent that, the causing of that injury or damage is attributable to any act of that person committed with the intention of causing harm to any person or property or with reckless disregard for the consequences of his act.

Protection
for ships and
aircraft.

14.—(1) A claim under this Act in respect of any occurrence such as is mentioned in section 7(2)(b) or (c), 10 or 11 of this Act which constitutes a breach of a person's duty under section 7, 8, 9, 10 or 11 of this Act shall not give rise to any lien or other right in respect of any ship or aircraft; and the following provisions of the Administration of Justice Act 1956 (which relate to the bringing of actions in rem against ships or aircraft in England and Wales, Scotland and Northern Ireland respectively), that is to say—

(a) section 3(3) and (4);

(b) section 47; and

(c) paragraph 3(3) and (4) of Part I of Schedule 1,

1956 c. 46.

1894 c. 60.

and section 503 of the Merchant Shipping Act 1894 (which relates to the limitation of the liability of shipowners), shall not apply to that claim.

(2) Subsection (1) of this section shall have effect in relation to any claim notwithstanding that by reason of section 16 of this Act no payment for the time being falls to be made in satisfaction of the claim.

Bringing and satisfaction of claims

Time for
bringing
claims under
ss. 7 to 11.

15.—(1) Subject to subsection (2) of this section and to section 16(3) of this Act, but notwithstanding anything in any other enactment, a claim by virtue of any of sections 7 to 11 of this Act may be made at any time before, but shall not be entertained if made at any time after, the expiration of thirty years from the relevant date, that is to say, the date of the occurrence which gave rise to the claim or, where that occurrence was a continuing one, or was one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, the date of the last event in the course of that occurrence or succession of occurrences to which the claim relates.

(2) Notwithstanding anything in subsection (1) of this section, a claim in respect of injury or damage caused by an occurrence involving nuclear matter stolen from, or lost, jettisoned or abandoned by, the person whose breach of a duty imposed by section 7, 8, 9 or 10 of this Act gave rise to the claim shall not be entertained if the occurrence takes place after the expiration of the period of twenty years beginning with the day when the nuclear matter in question was so stolen, lost, jettisoned or abandoned.

16.—(1) The liability of any person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 8 or 9 thereof shall not require him to make in respect of any one occurrence constituting a breach of that duty payments by way of such compensation exceeding in the aggregate, apart from payments in respect of interest or costs, five million pounds.

Satisfaction of claims by virtue of ss. 7 to 10.

(2) A relevant foreign operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence—

- (a) if he would not have been required to make that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant foreign law made for purposes corresponding to those of section 7, 8 or 9 of this Act ; or
- (b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act and has not been made available under section 18 of this Act or by means of a relevant foreign contribution.

(3) Any claim by virtue of a duty imposed on any person by section 7, 8, 9 or 10 of this Act—

- (a) to the extent to which, by virtue of subsection (1) or (2) of this section, though duly established, it is not or would not be payable by that person ; or
- (b) which is made after the expiration of the relevant period ; or
- (c) which, being such a claim as is mentioned in section 15(2) of this Act, is made after the expiration of the period of twenty years so mentioned ; or
- (d) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1) of this Act,

shall be made to the appropriate authority, that is to say—

- (i) in the case of a claim by virtue of the said section 8, the Minister of Technology ;
- (ii) in the case of a claim by virtue of the said section 9 (other than a claim in connection with a site used by a department of the Government of Northern Ireland), the Minister in charge of the government department concerned ;
- (iii) in any other case, the Minister,

and, if established to the satisfaction of the appropriate authority, and to the extent to which it cannot be satisfied out of sums made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, shall be satisfied by the appropriate authority to such extent and out of funds provided by such means as Parliament may determine.

(4) Where in pursuance of subsection (3) of this section a claim has been made to the appropriate authority, any question affecting the establishment of the claim or as to the amount of any compensation in satisfaction of the claim may, if the authority thinks fit, be referred for decision to the appropriate court, that is to say, to whichever of the High Court, the Court of Session and the High Court of Justice in Northern Ireland would, but for the provisions of this section, have had jurisdiction in accordance with section 17(1) and (2) of this Act to determine the claim; and the claimant may appeal to that court from any decision of the authority on any such question which is not so referred; and on any such reference or appeal—

- (a) the authority shall be entitled to appear and be heard; and
- (b) notwithstanding anything in any Act, the decision of the court shall be final.

(5) In this section, the expression “the relevant period” means the period of ten years beginning with the relevant date within the meaning of section 15(1) of this Act.

Jurisdiction,
shared liability
and foreign
judgments.

17.—(1) No court in the United Kingdom or any part thereof shall have jurisdiction to determine any claim or question under this Act certified by the Minister to be a claim or question which, under any relevant international agreement, falls to be determined by a court of some other relevant territory or, as the case may be, of some other part of the United Kingdom; and any proceedings to enforce such a claim which are commenced in any court in the United Kingdom or, as the case may be, that part thereof shall be set aside.

(2) Where under the foregoing subsection the Minister certifies that any claim or question falls to be determined by a court in a particular part of the United Kingdom, that certificate shall be conclusive evidence of the jurisdiction of that court to determine that claim or question.

(3) Where by virtue of any one or more of the following, that is to say, sections 7, 8, 9 and 10 of this Act and any relevant foreign law made for purposes corresponding to those of any of those sections, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in the United Kingdom relating to that injury or damage, including proceedings for the enforcement of a

judgment registered under the Foreign Judgments (Reciprocal 1933 c. 13. Enforcement) Act 1933—

- (a) both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage ; and
- (b) until claims against each of those persons in respect of the occurrence by virtue of which the person in question is liable for that injury or damage have been satisfied—
 - (i) in the case of a licensee, the Authority or the Crown, up to an aggregate amount of five million pounds ; or
 - (ii) in the case of a relevant foreign operator, up to such aggregate amount, not being less than one and three-quarter million pounds, as may be provided for by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act,

no sums in excess of those required for the purposes of sub-paragraph (i) of this paragraph shall be required to be made available under section 18 of this Act for the purpose of paying compensation in respect of that injury or damage.

(4) Part I of the said Act of 1933 shall apply to any judgment given in a court of any foreign country which is certified by the Minister to be a relevant foreign judgment for the purposes of this Act, whether or not it would otherwise have so applied, and shall have effect in relation to any judgment so certified as if in section 4 of that Act subsections (1)(a)(ii), (2) and (3) were omitted.

(5) It shall be sufficient defence to proceedings in the United Kingdom against any person for the recovery of a sum alleged to be payable under a judgment given in a country outside the United Kingdom for that person to show that—

- (a) the sum in question was awarded in respect of injury or damage of a description which is the subject of a relevant international agreement ; and
- (b) the country in question is not a relevant territory ; and
- (c) the sum in question was not awarded in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act.

(6) Where, in the case of any claim by virtue of section 10 of this Act, the relevant foreign operator is the government of a relevant territory, then, for the purposes of any proceedings brought in a court in the United Kingdom to enforce that claim, that government shall be deemed to have submitted to the

jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of that government.

Cover for compensation

General
cover for
compensation
by virtue of
ss. 7 to 10.

18.—(1) In the case of any occurrence in respect of which one or more persons incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant foreign law made for purposes corresponding to those of any of those sections, but subject to subsections (2) and (3) of this section and to sections 17(3)(b) and 21(1) of this Act, there shall be made available out of moneys provided by Parliament such sums as, when aggregated—

(a) with any funds required by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act to be available for the purpose of satisfying claims in respect of that occurrence against any licensee or relevant foreign operator; and

(b) in the case of a claim by virtue of any such foreign law, with any relevant foreign contributions towards the satisfaction of claims in respect of that occurrence,

may be necessary to ensure that all claims in respect of that occurrence made within the relevant period and duly established, excluding, but without prejudice to, any claim in respect of interest or costs, are satisfied up to an aggregate amount of forty-three million pounds.

(2) Subsection (1) of this section shall not apply to any claim by virtue of such a relevant foreign law as is mentioned in that subsection in respect of injury or damage incurred within the territorial limits of a country which is not a relevant territory or to any claim such as is mentioned in section 15(2) of this Act which is not made within the period of twenty years so mentioned.

(3) Where any claim such as is mentioned in subsection (1) of this section is satisfied wholly or partly out of moneys provided by Parliament under that subsection, there shall also be made available out of moneys so provided such sums as are necessary to ensure the satisfaction of any claim in respect of interest or costs in connection with the first-mentioned claim.

(4) In relation to liability by virtue of any relevant foreign law—

(a) there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the

expiration of any period of limitation imposed by that law and permitted by a relevant international agreement ;

- (b) unless that law provides a maximum aggregate amount of compensation in respect of the occurrence in question equivalent to forty-three million pounds and so provides in pursuance of a relevant international agreement, the said subsection (1) shall have effect in relation to that occurrence as if for the reference to forty-three million pounds there were substituted a reference to five million pounds.

(5) Any sums received by the Minister by way of a relevant foreign contribution towards the satisfaction of any claim by virtue of section 7, 8, 9 or 10 of this Act shall be paid into the Exchequer.

(6) In this section, the expression " the relevant period " has the same meaning as in section 16 of this Act.

19.—(1) Subject to section 3(5) of this Act and to sub-section (3) of this section, where a nuclear site licence has been granted in respect of any site, the licensee shall make such provision (either by insurance or by some other means) as the Minister may with the consent of the Treasury approve for sufficient funds to be available at all times to ensure that any claims which have been or may be duly established against the licensee as licensee of that site by virtue of section 7 of this Act or any relevant foreign law made for purposes corresponding to those of section 10 of this Act (excluding, but without prejudice to, any claim in respect of interest or costs) are satisfied up to an aggregate amount of five million pounds in respect of each severally of the following periods, that is to say—

- (a) the current cover period, if any ;
- (b) any cover period which ended less than ten years before the time in question ;
- (c) any earlier cover period in respect of which a claim remains to be disposed of, being a claim made—
- (i) within the relevant period within the meaning of section 16 of this Act ; and
 - (ii) in the case of a claim such as is mentioned in section 15(2) of this Act, also within the period of twenty years so mentioned ;

and for the purposes of this section the cover period in respect of which any claim is to be treated as being made shall be that in which the beginning of the relevant period aforesaid fell.

Special cover
for licensee's
liability.

(2) In this Act, the expression “cover period” means the period of the licensee’s responsibility or, if a direction has been given in respect of the site under subsection (4) of this section, any of the following periods, that is to say—

- (a) the period beginning with the grant of the nuclear site licence and ending with the date specified in the first such direction ;
- (b) the period beginning with the date specified in any such direction and ending with the date specified in the next such direction, if any ;
- (c) the period beginning with the date specified in the last such direction and ending with the ending of the period of the licensee’s responsibility ;

and for the purposes of this definition the period of the licensee’s responsibility shall be deemed to include any time after the expiration of that period during which it remains possible for the licensee to incur any liability by virtue of section 7(2)(b) or (c) of this Act, or by virtue of any relevant foreign law made for purposes corresponding to those of section 10 of this Act.

(3) Where in the case of any licensed site the provision required by subsection (1) of this section is to be made otherwise than by insurance and, apart from this subsection, provision would also fall to be so made by the same person in respect of two or more other sites, the requirements of that subsection shall be deemed to be satisfied in respect of each of those sites if funds are available to meet such claims as are mentioned in that subsection in respect of all the sites collectively, and those funds would for the time being be sufficient to satisfy the requirements of that subsection in respect of those two of the sites in respect of which those requirements are highest :

Provided that the Minister may in any particular case at any time direct either that this subsection shall not apply or that the funds available as aforesaid shall be of such amount higher than that provided for by the foregoing provisions of this subsection, but lower than that necessary to satisfy the requirements of the said subsection (1) in respect of all the sites severally, as may be required by the direction.

(4) Where, by reason of the gravity of any occurrence which has resulted or may result in claims such as are mentioned in subsection (1) of this section against a licensee as licensee of a particular licensed site, or having regard to any previous occurrences which have resulted or may result in such claims against the licensee, the Minister thinks it proper so to do, he shall by notice in writing to the licensee direct that a new cover period for the purposes of the said subsection (1) shall begin in respect of that site on such date not earlier than two months

after the date of the service of the notice as may be specified therein.

(5) If at any time while subsection (1) of this section applies in relation to any licensed site the provisions of that subsection are not complied with in respect of that site, the licensee shall be guilty of an offence and be liable—

- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

20.—(1) In the case of each licensed site, the licensee shall give notice in writing to the Minister forthwith upon its appearing to the licensee that the aggregate amount of any claims such as are mentioned in section 19(1) of this Act made in respect of any cover period falling within the period of the licensee's responsibility has reached three million pounds ; and where the licensee has given such a notice, no payment by way of settlement of any claim in respect of the cover period in question by agreement between the licensee and the claimant shall be made except after consultation with the Minister and in accordance with the terms of any direction which the Minister may give to the licensee in writing with respect to any particular claim.

Furnishing of information relating to licensee's cover.

(2) If in the case of any licensed site any cover period falling within the period of the licensee's responsibility has ended, the licensee shall not later than 31st January in each year send to the Minister in writing a statement showing the date when that cover period ended and the following particulars of any claims in respect of that cover period as at the beginning and end respectively of the last preceding calendar year, that is to say—

- (a) the aggregate number of claims received ;
- (b) the aggregate number of claims established ; and
- (c) the aggregate number and aggregate amount of claims satisfied.

(3) The Minister shall as soon as may be lay before each House of Parliament a copy of any notice received by him under subsection (1) of this section and a report (in such form as, having regard to section 16 of this Act, he may consider appropriate) with respect to any statements received by him under subsection (2) of this section.

(4) Any person by whom any funds such as are mentioned in section 19(1) of this Act for the time being fall to be provided shall give to the Minister not less than two months notice in writing before ceasing to keep those funds available and, notwithstanding any such notice, so far as those funds relate to nuclear matter for the time being in the course of carriage, shall not so cease while that carriage continues.

Supplementary provisions with respect to cover for compensation in respect of carriage.

21.—(1) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established—

(a) against any person by virtue of section 7, 8, 9 or 10 of this Act ; or

(b) against a licensee, the Authority or the Crown by virtue of any relevant foreign law made for purposes corresponding to those of the said section 10,

then, without prejudice to any right of the claimant to the satisfaction of that claim, no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act, or which have been made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, such as to prevent the satisfaction out of those funds up to an aggregate amount of one and three-quarter million pounds of all claims which have been or may be duly established against the same person in respect of injury or damage caused by that occurrence other than damage to the said means of transport.

(2) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established against a relevant foreign operator by virtue of section 10 of this Act, but by virtue of section 16(2)(a) thereof that operator is not required to make a payment in satisfaction of the claim, section 12(1)(b) of this Act shall not apply to any liability of that operator with respect to the damage in question apart from this Act.

(3) Where any nuclear matter is to be carried by, or on behalf or with the agreement of, a licensee, the Authority, a government department or a relevant foreign operator in such circumstances that, while the matter is in the course of that carriage, the licensee, the Authority, the Crown or the operator, as the case may be (in this and the next following subsection referred to as "the responsible party") may incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant

foreign law made for purposes corresponding to those of the said section 10, the responsible party shall, before the carriage is begun, cause to be delivered to the person who is to carry that matter a document issued by or on behalf of the appropriate person mentioned in the next following subsection (in this subsection referred to as "the guarantor") which shall contain such particulars as may be prescribed by the responsible party, of that nuclear matter and carriage, and of the funds available in pursuance of, or of the relevant foreign law made for purposes corresponding to those of, section 18 or 19(1) of this Act to satisfy any claim by virtue of that liability, and the guarantor shall be debarred from disputing in any court any of the particulars stated in that document; and if in any case there is a wilful failure to comply with this subsection, the responsible party (except where that party is the Crown), and also, if the carrier knew or ought to have known the matter carried to be such matter for carriage in such circumstances as aforesaid, the carrier, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(4) The person by whom or on whose behalf the document referred to in the last foregoing subsection is to be issued shall be—

- (a) where the responsible party is a licensee, the person by whom there fall to be provided the funds required by section 19(1) of this Act to be available to satisfy any claim in respect of the carriage in question;
- (b) where the responsible party is the Authority, the Minister of Technology;
- (c) where the responsible party is the Crown, the Minister in charge of the government department concerned;
- (d) where the responsible party is a relevant foreign operator, the person by whom there fall to be provided the funds required by the relevant foreign law made for purposes corresponding to those of section 18 or 19(1) of this Act to be made available to satisfy any claim in respect of the carriage in question.

(5) The requirements of Part VI of the Road Traffic Act 1960 c. 16. 1960 (which relates to compulsory insurance or security against third-party risks of users of motor vehicles) shall not apply in relation to any injury to any person for which any person is liable by virtue of section 7, 8, 9 or 10 of this Act.

Miscellaneous and general

22.—(1) The provisions of this section shall have effect on the happening of any occurrence of any such class or description as may be prescribed, being an occurrence—

- (a) on a licensed site; or

Reporting of and inquiries into dangerous occurrences.

(b) in the course of the carriage of nuclear matter on behalf of any person where a duty with respect to that carriage is imposed on that person by section 7, 10 or 11 of this Act.

(2) The licensee or person aforesaid shall cause the occurrence to be reported forthwith in the prescribed manner to the Minister and to such other persons, if any, as may be prescribed in relation to occurrences of that class or description, and if the occurrence is not so reported the licensee or person aforesaid shall be guilty of an offence and be liable on summary conviction—

(a) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds ;

(b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(3) For the purposes of subsection (2) of this section, a conviction under section 6(2) of the Act of 1959 shall be deemed to be a conviction under subsection (2) of this section.

(4) The Minister may at any time direct an inspector to make a special report with respect to the occurrence, and the Minister may cause any such report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as he thinks fit.

(5) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of the Schedule to this Act into the occurrence and its causes, circumstances and effects ; and any such inquiry shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.

(6) Where, in the case of an occurrence in Scotland which causes the death of any person, the Minister directs an inquiry to be held into the occurrence under subsection (5) of this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act 1895.

1895 c. 36.

Registration
in connection
with certain
occurrences.

23.—(1) Without prejudice to any right of any person to claim against any person by virtue of any of sections 7 to 11 of this Act, the appropriate authority may, on the happening of any occurrence in respect of which liability may be incurred by virtue of any of those sections, by order make provision for enabling such particulars of any person shown to have been within such area during such period (being the period during which the occurrence took place) as may be specified in the order to be

registered by or on behalf of that person in such manner as may be so specified, and any such registration in respect of any person shall be sufficient evidence of his presence within that area during that period unless the contrary is proved; and any such order shall be made by statutory instrument and be laid before Parliament after being made.

(2) In the foregoing subsection, the expression "the appropriate authority" means, in relation to any occurrence, the authority hereinafter specified in relation to the person against whom any claim in respect of that occurrence falls to be made, that is to say—

- (a) where that person is the Authority, the Minister of Technology;
- (b) where that person is the Crown, the Minister in charge of the government department concerned;
- (c) in any other case, the Minister.

24.—(1) The Minister may appoint as inspectors to assist him ^{Inspectors.} in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Minister may with the approval of the Treasury determine.

(2) Any such inspector may, for the purposes of the execution of this Act, and subject to production, if so requested, of written evidence of his authority—

(a) subject to subsection (3) of this section, enter—

(i) at all reasonable times during the period of the licensee's responsibility, upon any premises comprised in any licensed site; or

(ii) at all reasonable times, upon any premises comprised in any site which is being used for such purposes that, but for regulations made by virtue of section 1(2) of this Act, a nuclear site licence would be required in respect thereof,

with such equipment, and carry out such tests and inspections, as the inspector may consider necessary or expedient;

(b) require—

(i) the licensee of any licensed site; or

(ii) the person using any site as mentioned in paragraph (a)(ii) of this subsection; or

(iii) any person with duties on or in connection with any licensed site or any site being used as aforesaid,

to provide the inspector with such information, or to permit him to inspect such documents, relating to the use of the site as the inspector may specify ;

- (c) enter any place, vehicle, vessel or aircraft involved in any such occurrence as is mentioned in section 22(1) of this Act with such equipment, and carry out such tests and inspections, as he may consider necessary or expedient ;
- (d) require the licensee or other person referred to in the said section 22(1) concerned in any such occurrence and any other person with duties concerning the nuclear matter involved in the occurrence to provide him with such information, or to permit him to inspect such documents, relating to the nuclear matter as the inspector may specify.

(3) Before carrying out any test in pursuance of his powers under subsection (2) (a) of this section, the inspector shall consult with such persons having duties upon the site as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.

(4) Any person who obstructs an inspector in the exercise of his powers under subsection (2) (a) or (c) of this section or who refuses or without reasonable excuse fails to provide any information or to permit any inspection reasonably required by the inspector under subsection (2)(b) or (d) thereof shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both.

(5) Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both ;
- (b) on conviction on indictment, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

(6) In such cases and to such extent as it may appear to the Minister, with the agreement of the Treasury, to be appropriate so to do, the Minister shall require a licensee to repay to the

Minister such part as may appear to the Minister to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—

- (a) any sums paid by the Minister under subsection (1) of this section ; and
- (b) any expenses, being—
 - (i) expenses incurred by the Minister ; or
 - (ii) expenses incurred by any other government department in connection with the Ministry of Power ; or
 - (iii) such sums as the Treasury may determine in respect of the use for the purposes of that Ministry of any premises belonging to the Crown, which the Minister may, with the consent of the Treasury, determine to be incurred in connection with the exercise by the Minister of his powers under the said subsection (1),

and the licensee shall comply with such requirement ; and any sums so repaid to the Minister shall be paid into the Exchequer.

(7) Any liability of a licensee in respect of sums payable by him under subsection (6) of this section on account of pensions shall, if the Minister so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.

25.—(1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly ; and where the body corporate was guilty of the offence in the capacity of licensee under a nuclear site licence, he shall be so liable as if he, as well as the body corporate, were the licensee. Offences—
general.

In this subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(2) Where a body corporate is convicted on indictment of an offence under any of the following provisions of this Act, that is to say, sections 1(3), 2(2), 4(6), 5(4) and 19(5), so much of the provision in question as limits the amount of the fine which may be imposed shall not apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

(3) Proceedings in respect of any offence under this Act shall not be instituted in England or Wales except by the Minister or by or with the consent of the Director of Public Prosecutions.

Interpretation. 26.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

1959 c. 46. “the Act of 1959” means the Nuclear Installations (Licensing and Insurance) Act 1959;

1946 c. 80. “atomic energy” has the meaning assigned by the Atomic Energy Act 1946;

“the Authority” means the United Kingdom Atomic Energy Authority;

“contravention”, in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly;

“costs” in the application of this Act to Scotland, means expenses;

“cover period” has the meaning assigned by section 19(2) of this Act;

“excepted matter” means nuclear matter consisting only of one or more of the following, that is to say—

(a) isotopes prepared for use for industrial, commercial, agricultural, medical or scientific purposes;

(b) natural uranium;

(c) any uranium of which isotope 235 forms not more than 0.72 per cent.;

(d) nuclear matter of such other description, if any, in such circumstances as may be prescribed (or, for the purposes of the application of this Act to a relevant foreign operator, as may be excluded from the operation of the relevant international agreement by the relevant foreign law);

- “home territory”, in relation to a relevant foreign operator, means the relevant territory in which, for the purposes of a relevant international agreement, he is the operator of a relevant installation ;
- “injury” means personal injury and includes loss of life ;
- “inspector” means an inspector appointed under section 24 of this Act ;
- “licensed site” means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force ;
- “licensee” means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force ;
- “the Minister” means—
- (a) in the application of this Act to England and Wales, the Minister of Power ;
 - (b) in the application of this Act to Scotland, the Secretary of State ;
- “nuclear installation” means a nuclear reactor or an installation such as is mentioned in section 1(1)(b) of this Act ;
- “nuclear matter” means, subject to any exceptions which may be prescribed—
- (a) any fissile material in the form of uranium metal, alloy or chemical compound (including natural uranium), or of plutonium metal, alloy or chemical compound, and any other fissile material which may be prescribed ; and
 - (b) any radioactive material produced in, or made radioactive by exposure to the radiation incidental to, the process of producing or utilising any such fissile material as aforesaid ;
- “nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons ;
- “nuclear site licence” has the meaning assigned by section 1 (1) of this Act ;
- “occurrence” in sections 16(1), 17(3) and 18 of this Act—
- (a) in the case of a continuing occurrence, means the whole of that occurrence ; and

(b) in the case of an occurrence which is one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, means all those occurrences collectively ;

“ period of responsibility ”, in relation to a licensee, has the meaning assigned by section 5 (3) of this Act ;

“ prescribed ” means prescribed by regulations made by the Minister of Power and the Secretary of State acting jointly, which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament ;

“ relevant carriage ”, in relation to nuclear matter, means carriage on behalf of—

(a) a licensee as the licensee of a particular licensed site ; or

(b) the Authority ; or

(c) a government department for the purposes of such use of a site by that department as is mentioned in section 9 of this Act ; or

(d) a relevant foreign operator ; or

(e) a person authorised to operate a nuclear reactor which is comprised in a means of transport and in which the nuclear matter in question is intended to be used ;

“ relevant foreign contribution ”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the government of any relevant territory other than the United Kingdom towards the satisfaction of that claim ;

“ relevant foreign judgment ” means a judgment of a court of a relevant territory other than the United Kingdom which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories ;

“ relevant foreign law ” means the law of a relevant territory other than the United Kingdom or any part thereof regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant foreign operator, means the law such as aforesaid of his home territory ;

“relevant foreign operator” means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory other than the United Kingdom ;

“relevant installation” means an installation to which a relevant international agreement applies ;

“relevant international agreement” means an international agreement with respect to third-party liability in the field of nuclear energy to which the United Kingdom or Her Majesty’s Government therein are party, other than an agreement relating to liability in respect of nuclear reactors comprised in means of transport ;

“relevant site” means any of the following, that is to say—

(a) a licensed site at any time during the period of the licensee’s responsibility ;

(b) any premises at any time when they are occupied by the Authority ;

(c) any site at any time when it is occupied by a government department, if that site is being or has been used by that department as mentioned in section 9 of this Act ;

(d) any site in a relevant territory other than the United Kingdom at any time when that site is being used for the operation of a relevant installation by a relevant foreign operator ;

“relevant territory” means a country for the time being bound by a relevant international agreement ;

“territorial limits” includes territorial waters.

(2) References in this Act to the carriage of nuclear matter shall be construed as including references to any storage incidental to the carriage of that matter before its delivery at its final destination.

(3) Any question arising under this Act as to whether—

(a) any person is a relevant foreign operator ; or

(b) any law is the relevant foreign law with respect to any matter ; or

(c) any country is for the time being a relevant territory, shall be referred to and determined by the Minister.

(4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

Northern
Ireland.

27.—(1) In the application to Northern Ireland of the following provisions of this Act (hereafter in this section referred to as “the designated provisions”), that is to say, sections 1 to 6 and 22 to 24 and the Schedule—

(a) any reference to the Minister shall be construed as a reference to the Minister of Commerce for Northern Ireland ;

(b) the expression “prescribed” shall mean prescribed by regulations made by the said Minister of Commerce, which shall be subject to negative resolution within the meaning of section 41 (6) of the Interpretation Act (Northern Ireland) 1954 ;

(c) any reference to the Treasury shall be construed as a reference to the Ministry of Finance for Northern Ireland ;

(d) any reference to Parliament shall be construed as a reference to the Parliament of Northern Ireland ;

(e) for section 3 (3) (b) and (c) there shall be substituted the following, that is to say—

“ (b) any board of conservators for a fishery district constituted under the Fisheries Acts (Northern Ireland) 1842 to 1954 and any statutory water undertaking within the meaning of the Water Supplies and Sewerage Act (Northern Ireland) 1945 ” ;

(f) section 23(1) shall have effect as if the words “be made by statutory instrument and” were omitted ;

(g) in section 24(6)—

(i) references to the Ministry of Power or to the Crown shall be construed as references respectively to the Ministry of Commerce for Northern Ireland or to the Crown in right of Her Majesty’s Government in Northern Ireland ;

(ii) for the words from “and any sums” onwards there shall be substituted the words “and any sums so repaid to the Ministry of Commerce shall be treated as part of the revenues of that Ministry” ;

1954 c. 33
(N.I.).

1945 c. 17
(N.I.).

(h) in the Schedule, any reference to a master of the Supreme Court or to the High Court shall be construed respectively as a reference to the taxing master of the Supreme Court of Northern Ireland or to a judge of the High Court of Justice in Northern Ireland.

(2) In the application to Northern Ireland of any provision of this Act other than the designated provisions—

(a) any reference to the Minister shall be construed as a reference to the Minister of Power ;

(b) any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland ;

(c) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland.

(3) In relation to a department of the Government of Northern Ireland using any site as mentioned in section 9 of this Act—

(a) references in this Act to the Crown shall be construed as references to the Crown in right of Her Majesty's Government in Northern Ireland ;

(b) references in this Act to the Minister in charge of that department shall be construed as references to the Minister of the Government of Northern Ireland so in charge.

(4) In the application to Northern Ireland of section 21(5) of this Act, the reference to Part VI of the Road Traffic Act 1960, c. 16. 1960 shall be construed as a reference to Part II of the Motor 1930 c. 24 Vehicles and Road Traffic Act (Northern Ireland) 1930 as (N.I.) amended or re-enacted (with or without modification) by any subsequent enactment of the Parliament of Northern Ireland for the time being in force.

(5) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except—

(a) in the case of an offence under any of the designated provisions, by the said Minister of Commerce ; or

(b) in the case of any other offence, by the Minister of Power ; or

(c) in either case, by or with the consent of the Attorney General for Northern Ireland.

(6) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

1920 c. 67.

(7) For the purposes of section 6 of the Government of Ireland Act 1920, the designated provisions and, so far as they relate to those provisions, section 25 of this Act and this section shall be deemed to have been passed before the appointed day within the meaning of the said section 6.

Channel Islands, Isle of Man, etc.

28.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible.

(2) Any Order in Council made by virtue of this section may be varied or revoked by any subsequent Order in Council so made.

Repeals and savings.
1959 c. 46.
1965 c. 6.

29.—(1) The Nuclear Installations (Licensing and Insurance) Act 1959 and the Nuclear Installations (Amendment) Act 1965 except for section 17(2) of the said Act of 1965 are hereby repealed.

(2) Anything done under or by virtue of any enactment repealed by this Act shall be deemed for the purposes of this Act to have been done under or by virtue of the corresponding provision of this Act, and anything begun under any of the enactments so repealed may be continued under the corresponding provision of this Act.

(3) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein.

1889 c. 63.

(4) Nothing in this section shall be construed as affecting the general application of section 38 of the Interpretation Act 1889 with respect to the effect of repeals.

Short title and commencement.

30.—(1) This Act may be cited as the Nuclear Installations Act 1965.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint; and a later day may be appointed for the purposes of section 17(5) than that appointed for the purposes of the other provisions of this Act.

SCHEDULE

Section 22(5).

INQUIRIES UNDER S. 22(5)

1. An inquiry in pursuance of a direction under section 22(5) of this Act with respect to any occurrence shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes ;
- (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine ;
- (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person ;
- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined ;
- (e) to adjourn the inquiry from time to time ; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

7. If any person—

- (a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court ; or
- (b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.

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