
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Shared liability and foreign judgments

25.—(1) Section 17 of the 1965 Act is further amended as follows.

(2) In subsection (3)(1) (two or more persons in breach of a duty imposed under the Act or relevant foreign law: liability of the persons to be joint and several and claims to be satisfied by the persons to a certain extent before recourse to UK public funds is allowed)—

- (a) after “section 7,” insert “7B,”;
- (b) for “the same injury or damage” substitute “the same injury, damage or significant impairment of the environment or the same grave and imminent threat of injury, damage or impairment”;
- (c) for “relating to that injury or damage” substitute “relating to that matter”;
- (d) in paragraph (a), for “that injury or damage” substitute “that matter”;
- (e) in paragraph (b), for the words from “occurrence” to “paragraph” substitute “occurrence or event by virtue of which the person in question is liable for that matter have been satisfied to the extent mentioned in subsection (3A), no sums in excess of those required for the purposes of subsection (3A)(a)”;
- (f) in paragraph (b), in the words following sub-paragraph (ii), for “that injury or damage” substitute “that matter”.

(3) After subsection (3) insert—

“(3A) The claims mentioned in subsection (3)(b) are to be satisfied—

- (a) in the case of a licensee, the operator of a relevant disposal site, the Authority or the Crown, up to an aggregate amount that is equal to the amount applicable under section 16(1) to the person in question in the circumstances in question;
- (b) in the case of a relevant foreign operator, up to such aggregate amount as may be provided for by the relevant foreign law made for purposes corresponding to section 19(1).

(3B) A person is not required under subsection (3A) to satisfy a claim for compensation to the extent that it is excluded by—

- (a) section 16(1ZA) or (1ZB), or
- (b) the relevant foreign law made for purposes corresponding to section 16(1ZA) or (1ZB) (as the case may be).”

(4) In subsection (4)(2) (application of Part 1 of the Foreign Judgments (Reciprocal Enforcement) Act 1933 to court judgments certified as relevant foreign judgments)—

- (a) for “of any foreign country” substitute “of a relevant territory other than the United Kingdom”;

(1) 1965 c.57. Section 17(3) was amended by the Energy Act 1983 c.25, sections 28(4) and 36 and Schedule 4, Part 2.
(2) The function conferred by section 17(4) has been transferred, in so far as it is exercisable in or as regards Scotland, to the Scottish Ministers by S.I. 1999/1750, article 2, Schedule 1.

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- (b) for “the Minister” substitute “the appropriate authority”;
- (5) In subsection (5)(3) (defence to recovery of sums due under foreign judgments)—
 - (a) after “a country” insert “or territory”;
 - (b) in paragraph (a), for “injury or damage” substitute “injury, damage or impairment of the environment or a grave and imminent threat of injury, damage or impairment of the environment”;
 - (c) in paragraph (b), after “the country” insert “or territory”.