



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### DUTY OF LICENSEE, ETC., IN RESPECT OF NUCLEAR OCCURRENCES

#### 7 Duty of licensee of licensed site.

- (1) [<sup>F1</sup>Subject to subsection (4) below,] where a nuclear site licence has been granted in respect of any site, it shall be the duty of the licensee to secure that—
- (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—

*Status: Point in time view as at 05/10/2004.*

*Changes to legislation: Nuclear Installations Act 1965, Duty of licensee, etc., in respect of nuclear occurrences is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

[<sup>F2</sup>(4) Section 8 of this Act shall apply in relation to sites occupied by the Authority.]

#### Textual Amendments

- F1** Words inserted by [S.I. 1990/1918, reg. 2, Sch. para. 2\(a\)](#)  
**F2** S. 7(4) inserted by [S.I. 1990/1918, reg. 2, Sch. para. 2\(b\)](#)

## 8 Duty of Authority.

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 [<sup>F3</sup>; and section 7 shall so apply whether or not a nuclear site licence has been granted in respect of the premises in question.]

#### Textual Amendments

- F3** Words inserted by [S.I. 1990/1918, reg. 2, Sch. para. 3](#)

## 9 Duty of Crown in respect of certain sites.

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—

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- (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.

## **10 Duty of certain foreign operators.**

(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 Duty of persons causing nuclear matter to be carried.**

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—

- (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.

**Status:**

Point in time view as at 05/10/2004.

**Changes to legislation:**

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