



Nuclear Installations Act 1965

1965 CHAPTER 57

MISCELLANEOUS AND GENERAL

[^{F1}22 Reporting of and inquiries into dangerous occurrences

- (1) The provisions of this section apply where any prescribed occurrence happens—
 - (a) on a licensed site, or
 - (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 other person mentioned in subsection (1) must ensure that the occurrence is reported without delay in the prescribed manner—
 - (a) to the appropriate national authority, and
 - (b) to such other persons, if any, as may be prescribed in relation to occurrences of that kind.
- (3) A person who is required by virtue of subsection (2) to report an occurrence and who fails to do so is guilty of an offence.
- (4) A person convicted of an offence under subsection (3) in England and Wales or Scotland is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (5) A person convicted of an offence under subsection (3) in Northern Ireland is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 3 on the standard scale, or both.
- (6) In relation to an offence committed before the commencement of [^{F2}paragraph 24(2) of Schedule 22 to the Sentencing Act 2020] (general limit on magistrates' court's power

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- to imprison), the reference to 12 months in subsection (4)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.
- (7) Before exercising any function under subsection (1) or (2) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
- (8) Subsections (9) to (11) have effect only in relation to a prescribed occurrence which happens in Northern Ireland.
- (9) The Secretary of State—
- (a) may direct an inspector to make a special report with respect to the occurrence, and
 - (b) may cause any such report, or so much of it as it is not in the Secretary of State's opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as the Secretary of State considers appropriate.
- (10) The Secretary of State may direct an inquiry to be held into the occurrence and its causes, circumstances and effects.
- (11) Any such inquiry must be held—
- (a) in accordance with the provisions of Schedule 2 to this Act, and
 - (b) in public, except where or to the extent that it appears to the Secretary of State expedient in the interests of national security to direct otherwise.]

Textual Amendments

- F1** S. 22 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 23](#); S.I. 2014/251, art. 4
- F2** Words in s. 22(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 443\(1\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

23 Registration in connection with certain occurrences [^{F3}and events].

- (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 [^{F4}or event] 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 [^{F4}or event] 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 [^{F5}or event], the authority hereinafter specified in relation to the person against whom any claim in respect of that occurrence [^{F5}or event] falls to be made, that is to say—
- (a) where that person is the Authority, [^{F6}the Secretary of State];

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- (b) where that person is the Crown, the Minister in charge of the government department concerned [^{F7}or where any part of the Scottish Administration is concerned the Minister];
- [^{F8}(c) where that person is not the Authority or the Crown—
- (i) the Secretary of State, in relation to England and Wales and Northern Ireland;
 - (ii) the Scottish Ministers, in relation to Scotland.]

Textual Amendments

- F3** Words in s. 23 heading inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **36(4)** (with art. 40)
- F4** Words in s. 23(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **36(2)** (with art. 40)
- F5** Words in s. 23(2) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **36(3)(a)** (with art. 40)
- F6** Words in s. 23(2)(a) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **36(3)(b)** (with art. 40)
- F7** Words in s. 23(2)(b) inserted (1.7.1999) by [S.I. 1999/1756](#), arts. 1(1), 2, **Sch. para. 2**
- F8** S. 23(2)(c) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **36(3)(c)** (with art. 40)

Modifications etc. (not altering text)

- C1** S. 23: transfer of certain functions (S.) (1.7.1999) by [S.I. 1999/1750](#), arts. 1(1), 2, **Sch. 2** (with art. 7); [S.I. 1998/3178](#), **art. 3**

[^{F9} 24 **E+W+S**

- (1) The Secretary of State may appoint as inspectors for the purpose of assisting him in the execution of the provisions of this Act, other than [^{F10}sections 1, 3 to 6, 22 and 24A 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 Secretary of State may with the approval of the Minister for the Civil Service determine.
- (2) Any such inspector may for that purpose exercise such of the powers set out in section 20(2) of the ^{M1} Health and Safety at Work etc. Act 1974 as are specified in his instrument of appointment and the provisions of sections 28 (restrictions on disclosure of information), 33 (offences) and 39 (prosecutions by inspectors) of that Act shall apply in the case of inspectors so appointed as they apply in the case of inspectors appointed under section 19 of that Act.
- (3) In such cases and to such extent as it may appear to the Secretary of State, with the agreement of the Treasury, to be appropriate so to do, the Secretary of State shall require a licensee to repay to the Secretary of State such part as may appear to the

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Secretary of State to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—

- (a) [^{F11}any sums paid by the Secretary of State under subsection (1) of this section;]
- (b) any expenses, . . . ^{F12}, being—
- (i) expenses incurred by the Secretary of State; or
 - (ii) ^{F12}
 - (iii) expenses incurred by any government department; or
 - (iv) such sums as the Treasury may determine in respect of the use of any premises belonging to the Crown,

which the Secretary of State may, with the consent of the Treasury, determine to be incurred in connection with the, [^{F13}exercise by the Secretary of State of his powers under the said subsection (1)],

and the licensee shall comply with such requirement; and any sums so repaid to the Secretary of State shall be paid into the Consolidated Fund, . . . ^{F14}[^{F15} and except that in so far as sums so repaid relate to expenses incurred by the Scottish Administration they shall be paid to the Scottish Ministers.]

- (4) Any liability of a licensee in respect of sums payable by him under subsection (3) of this section on account of pensions shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Minister for the Civil Service, by reference to remuneration.]

Extent Information

- E1** This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only.

Textual Amendments

- F9** S. 24 beginning "The Secretary of State" is substituted for S.24 beginning "The Minister may appoint" (E.W.)(S.) by [S.I. 1974/2056](#)
- F10** Words in s. 24 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 24](#); [S.I. 2014/251, art. 4](#)
- F11** S. 24(3) (a) (as applicable E. W. S.) substituted by [Atomic Energy Act 1989 \(c.7, SIF 8\), s. 6\(1\)\(a\)](#)
- F12** S. 24(3)(b) (as applicable E.W.S.) the words “whenever incurred” and subparagraph (ii) repealed by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(b\)](#)
- F13** S. 24(3)(b) (as applicable E.W.S.) “exercise by the Secretary of State of his powers under the said subsection (1)” substituted for “enforcement or execution of this Act” by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(b\)](#)
- F14** S. 24(3) (as applicable E. W. S.)the words from “except” to the end repealed by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 6\(1\)\(c\)](#)
- F15** Words in s. 24(3) inserted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 38\(4\)](#) (with art. 5); [S.I. 1998/3178, art. 3](#)

Modifications etc. (not altering text)

- C2** S. 24 (as applicable E. W. S.) amended by [S.I. 1988/1222, regs. 3, 4](#); 1990/1380, arts. 3, 4
- C3** S. 24(1) functions of Minister for the Civil Service now exercisable by Treasury: [S.I. 1981/1670, art. 2\(1\)\(c\)\(2\)](#)
- C4** S. 24(4) (as applicable E. W. S.) functions of the Minister for the Civil Service now exercisable by Treasury: [S.I. 1981/1670, art. 2\(1\)\(c\)\(2\)](#)

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Marginal Citations

M1 1974 c. 37.

24 ^{F65}Inspectors. ^{X1} **N.I.**

- (1) The Minister may appoint as inspectors to assist him 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 [^{F66}level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both.

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- (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.

Editorial Information

- X1** S. 24 beginning "The Secretary of State" is substituted (E.W.)(S.) for S.24 beginning "The Minister may appoint" by [S.I. 1974/2056](#).

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only.

Textual Amendments

- F65** S. 24 beginning "The Secretary of State" is substituted (E.W.)(S.) for S.24 beginning "The Minister may appoint" by [S.I. 1974/2056](#).
- F66** "level 3 on the standard scale" substituted (N.I.) for "fifty pounds" by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 9](#)

Modifications etc. (not altering text)

- C10** S. 24 (as applicable N.I.) modified by [S.I. 1978/1039 \(N.I. 9\)](#), [arts. 2\(2\), 3](#), [Sch. 1](#)

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[^{F16}24A Recovery of expenses by [^{F17} Health and Safety Executive] [^{F17} ONR]

- ^{F18}(1) This section applies to any expenses incurred by the [^{F19}Health and Safety Commission ("the Commission") which, in either case, the Executive may][^{F19}ONR which the ONR may] determine to be incurred wholly or partly in connection with—
- (a) the carrying into effect of [^{F20}such of the provisions of this Act as are mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974][^{F20}sections 1, 3 to 6 and 22, and this section of this Act]; or
 - (b) the carrying out of research into nuclear safety.]
- (2) Without prejudice to the generality of subsection (1) of this section, the reference in that subsection to expenses incurred by the [^{F21}Executive][^{F21}ONR] includes any sums paid by it by way of remuneration, allowances or other payments to inspectors appointed under [^{F22}the Health and Safety at Work etc. Act 1974][^{F22}Schedule 8 to the Energy Act 2013].
- (3) In such cases and to such extent as it may appear to the [^{F23}Executive][^{F23}ONR] appropriate to do so, the [^{F23}Executive][^{F23}ONR] shall require a person who has applied for a nuclear site licence to repay to it so much of any expenses to which this section applies as may appear to it to be attributable to dealing with the application.
- (4) In such cases and to such extent as it may appear to the [^{F23}Executive][^{F23}ONR] to be appropriate to do so, the [^{F23}Executive][^{F23}ONR] shall require a person to whom a nuclear site licence has been granted to repay to it—
- (a) so much of any expenses to which this section applies as may appear to it to be attributable to any nuclear installation in respect of which the licence has been granted; and
 - (b) so much of any expenses to which this section applies which are not otherwise recoverable under this section as it thinks fit.
- (5) A person shall comply with any requirement made of him under this section.
- (6) Any liability of a person in respect of sums payable by him under this section on account of pensions shall, if the [^{F24}Executive][^{F24}ONR] so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (7) Where the [^{F24}Executive][^{F24}ONR] anticipates that a person who has applied for or has been granted a nuclear site licence will become subject to a liability under this section, it may require him to make to it a payment or payments on account of the liability.
- (8) Where a person has made a payment under subsection (7) of this section on account of an anticipated liability, then—
- (a) if he does not become subject to the liability, the [^{F24}Executive][^{F24}ONR] shall be liable to repay the payment to him; and
 - (b) if the amount of the liability to which he becomes subject is less than the amount paid under that subsection, the [^{F24}Executive][^{F24}ONR] shall be liable to repay the difference to him.]

Textual Amendments

F16 S. 24A inserted by [Atomic Energy Act 1989 \(c. 7, SIF 8\), s. 2\(1\)–\(3\)](#)

F17 Words in s. 24A heading substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 25\(5\); S.I. 2014/251, art. 4](#)

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- F18** S. 24(1) substituted (1.4.2008) by Legislative Reform (Health and Safety Executive) Order 2008 S.I. 960, Sch. 3
- F19** Words in s. 24A(1) substituted (E.W.S.) (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(2\)\(a\)](#); S.I. 2014/251, art. 4
- F20** Words in s. 24A(1)(a) substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(2\)\(b\)](#); S.I. 2014/251, art. 4
- F21** Word in s. 24A(2) substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(3\)\(a\)](#); S.I. 2014/251, art. 4
- F22** Words in s. 24A(2) substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(3\)\(b\)](#); S.I. 2014/251, art. 4
- F23** Word in s. 24A(3)(4) substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(4\)](#); S.I. 2014/251, art. 4; S.I. 2014/251, art. 4
- F24** Word in ss. 24A(6)-(8) substituted (E.W.S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 25\(4\)](#); S.I. 2014/251, art. 4

25 Offences—general.

- (1) Where a body corporate is guilty of an offence under ^{F25}any of the provisions^{F25} [section 2(2) or 19(5)] 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 ^{F26}or an operator of a relevant disposal site], he shall be so liable as if he, as well as the body corporate, were the licensee ^{F27}or the operator].

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 ^{F28}1(3)], 2(2), ^{F28}4(6)], ^{F28}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 ^{F29}section 2(2) or 19(5) of] 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.

Textual Amendments

- F25** Words “section” to “19(5)” substituted for words “any” to “provisions” (E.W.)(S.) by S.I. 1974/2056
- F26** Words in s. 25(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [32\(13\)\(a\)](#) (with art. 40)
- F27** Words in s. 25(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [32\(13\)\(b\)](#) (with art. 40)
- F28** Words repealed (E.W.)(S.) by S.I. 1974/2056

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F29 Words inserted by [S.I. 1974/2056](#)

[^{F30}25A Orders.

The power to make orders under section 16(1A), 18(1B) or 21(1A) of this Act shall be exercisable by statutory instrument; but no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.]

Textual Amendments

F30 Ss. 25A, 25B inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), s. 30

[^{F31}25B Amounts in euros

The equivalent in sterling on a particular day of a sum expressed in euros is determined by converting the sum in euros into its equivalent in sterling using the London closing exchange rate for the euro and sterling for that day.]

Textual Amendments

F31 S. 25B substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), 37 (with art. 40)

26 Interpretation.

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

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

[^{F32} “ the appropriate environment authority ” means—

- (a) in the case of a site in England, the Environment Agency;
- (b) in the case of a site in Scotland, the Scottish Environment Protection Agency;
- (c) in the case of a site in Northern Ireland, the Department of Environment in Northern Ireland;
- (d) in the case of a site in Wales, the Natural Resources Body for Wales.

“ the appropriate national authority ” means—

- (a) in relation to England and Wales and Scotland, the ONR;
- (b) in relation to Northern Ireland, the Secretary of State;]

[^{F33}“appropriate permit” has the meaning given by section 7B;]

“atomic energy” has the meaning assigned by the ^{M2}Atomic Energy Act 1946;

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

[^{F33}“continental shelf”, in relation to a country or territory, means—

- (a) in the case of the United Kingdom, areas designated under section 1(7) of the Continental Shelf Act 1964;
- (b) in the case of a country or territory outside the United Kingdom, an area outside its territorial sea within which rights are exercisable in relation

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to the sea bed and subsoil and their natural resources by that country or territory;]

“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;

[^{F33}“event”, in sections 11H, 16(1), (1ZA), (1ZB), (1A), (3B) and (3C), 16B, 16C, 17(3) and 18 and subsection (2B) of this section, means—

- (a) in the case of an event that continues for any time, the whole of that event;
- (b) in the case of an event which is one of a succession of events all attributable to a particular happening on a particular relevant site, all those events collectively;
- (c) in the case of an event which is one of a succession of events, all of which are attributable to a particular happening and take place during one course of carriage, all those events collectively;]

“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 [^{F34}scientific or educational] 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);

[^{F33}“exclusive economic zone”, in relation to a country or territory, means the exclusive economic zone established in respect of the country or territory in accordance with international law, subject to subsection (1E);]

“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;

^{F35}
...

“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

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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 [F36section 1(2)] of this Act;

“occurrence” in sections [F3711G(2)(c), 16(1), (1ZA), (1ZB), (1A), (3B) and (3C), 16B and 16C] 17(3) and 18 of this Act [F38and subsection (2B) of this section]—

- (a) in the case of a continuing occurrence, means the whole of that occurrence; [F39 ...
- (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; [F40and
- (c) in the case of an occurrence which is one of a succession of occurrences, all of which are attributable to a particular happening and take place during one course of carriage, means all those occurrences collectively;]

[F41 “ ONR ” means the Office for Nuclear Regulation;]

[F33“operator”, in relation to a relevant disposal site, has the meaning given by section 7B;]

[F33“overseas territory”, in relation to a country, means a territory, not part of the metropolitan territories of the country, for whose international relations the country is responsible;]

“period of responsibility”, in relation to a licensee, has the meaning assigned by [F42section 5(14)]of this Act;

“prescribed” means prescribed by regulations made by [F43the Secretary of State], which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament;

[F33“preventive measure” has the meaning given by section 11H;]

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

- (a) a licensee as the licensee of a particular licensed site; or
- (aa) [F44an operator of a relevant disposal 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 [F45or was used or was intended to be used];

[F33“relevant disposal site” has the meaning given by section 7B;]

“relevant foreign contribution”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the

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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;

[^{F33}“relevant maritime zone”, in relation to a country or territory, means—

- (a) the zone that has been established in respect of the country or territory as its exclusive economic zone and that has been identified in accordance with a relevant international agreement for the purposes of establishing jurisdiction under such an agreement, or
- (b) in the case of a country or territory in respect of which no exclusive economic zone is established, a zone that has been established in accordance with international law, being a zone adjacent to the territorial sea of that country or territory and extending no more than 200 nautical miles from the baselines from which that territorial sea is measured, and that has been identified in accordance with a relevant international agreement for the purposes of establishing jurisdiction under such an agreement;]

“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;
- (aa) [^{F46}a relevant disposal site at any time during the period that, in the case of any particular operator of the site, is indicated by section 7B(1)(f);]
- (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 [^{F47}section 9(1) or (2)] 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” [^{F48} means—

- (a) a country that is a party to a relevant international agreement, or
- (b) an overseas territory of such a country, if the relevant international agreement in question applies to the overseas territory;]

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[^{F33}“significant impairment of the environment” does not include damage to the environment which is not significant enough to be eligible for compensation under this Act as damage to property, whether or not the part affected is property in respect of which such compensation can be sought;]

[^{F33}“special relevant claim” has the meaning given by section 16A;]

[^{F33}“special relevant territory” has the meaning given by section 16A;]

“territorial limits” includes territorial [^{F49}sea].

[^{F33}“trust” has the meaning given by Article 2 of the Convention on the Law Applicable to Trusts and on Their Recognition, concluded at The Hague on 1 July 1985.]

[^{F50}(1A) A reference in this Act to a relevant reciprocating territory is a reference to—

- (a) a country that is not a party to a relevant international agreement but whose law—
 - (i) with a view to reciprocating benefits conferred as regards it by parties to that relevant international agreement, confers benefits as regards the parties to that relevant international agreement on a basis corresponding to the basis required of a party to that agreement, disregarding for these purposes that agreement’s limits on the amount of liability, and
 - (ii) in that respect is based on principles identical to those of that relevant international agreement, or
- (b) an overseas territory of a country falling within paragraph (a), if the law of the country or the territory provides for, or they together provide for, the benefits in question to be reciprocated on a basis that includes that territory.

(1B) A reference in this Act to a qualifying territory is a reference to—

- (a) a relevant territory,
- (b) a country in the case of which there is no nuclear installation—
 - (i) within its territorial limits or its exclusive economic zone or on its continental shelf, or
 - (ii) within the territorial limits or the exclusive economic zone of, or on the continental shelf of, any overseas territory of the country,
- (c) an overseas territory of a country falling within paragraph (b),
- (d) an overseas territory of a country that is a party to a relevant international agreement where the territory—
 - (i) is not a territory to which that agreement applies, and
 - (ii) has no nuclear installation within its territorial limits or its exclusive economic zone or on its continental shelf, or
- (e) a relevant reciprocating territory.

(1C) In sections 13(5), 16(1ZB) and (3C), 16A(6)(b) and (9) and 17D(3), subsection (1A) of this section and paragraphs 2 and 3 of Schedule 1A, a reference to the law of a country or territory includes a reference to the law of part of it.

(1D) In the case of an overseas territory of a country (including an overseas territory of the United Kingdom), a reference in this Act to the law of the territory is to be treated as including a reference to law that has effect with respect to the territory.]

[^{F51}(1E) A reference in this Act to the exclusive economic zone of a country or territory, except in the definitions of “exclusive economic zone” and “relevant maritime zone”

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in subsection (1), includes a reference to any zone established in accordance with international law which—

- (a) is adjacent to the territorial sea of that country or territory, and
- (b) extends no more than 200 nautical miles from the baselines from which that territorial sea is measured, and

in which the country or territory exercises some of the rights that are exercisable under Part V of the United Nations Convention on the Law of the Sea (Cmnd 8941).]

- (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.

[^{F52}(2A) If nuclear matter is in a place at a particular time as a consequence of an occurrence falling within section 7(1B) (including section 7(1B) as applied by section 7B, 8 or 9), 10(1) or 11, neither the presence of the matter in that place at that time nor any effect that the matter produces at that time is to be treated as a separate occurrence falling within any of those provisions.]

[^{F53}(2B) In relation to an occurrence or event in respect of which one or more persons incur liability—

- (a) by virtue of section 7, 7B, 8, 9 or 10, or
- (b) by virtue of any relevant foreign law made for purposes corresponding to those of any of those sections,

a country or overseas territory of a country is not to be treated as a relevant territory, special relevant territory, relevant reciprocating territory or qualifying territory, unless it is such a country or territory at the time of the occurrence or event.]

- (3) Any question arising under this Act as to whether [^{F54}at any given time]—

- (a) any person is a relevant foreign operator; ^{F55} ...
- (b) any law is the relevant foreign law with respect to any matter; ^{F56} ...
- [^{F57}(c) any country or territory is a relevant territory;
- (d) a relevant territory satisfies the conditions in section 16A(7);
- (e) an overseas territory of a country is a territory to which a particular relevant international agreement applies;
- (f) a country or territory is a relevant reciprocating territory;
- (g) a place is within an exclusive economic zone or relevant maritime zone or on the continental shelf of a country or territory; or
- (h) a country or territory has a nuclear installation within its territorial limits or its exclusive economic zone or on its continental shelf,]

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.

Textual Amendments

- F32** Definitions of "the appropriate environment authority" and "the appropriate national authority" in s. 26(1) substituted for definition of "the appropriate Agency" (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 26\(2\)](#); S.I. 2014/251, art. 4

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- F33** Definitions in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(3)** (with art. 40)
- F34** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), s. **32**
- F35** S. 26(1): Definition of "inspector" omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(3)**; S.I. 2014/251, art. 4
- F36** S. 26(1): Words in definition of "nuclear site licence" substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(4)**; S.I. 2014/251, art. 4
- F37** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(i)** (with art. 40)
- F38** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(ii)** (with art. 40)
- F39** Word in s. 26(1) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(iii)** (with art. 40)
- F40** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(a)(iv)** (with art. 40)
- F41** S. 26(1): Definition of "ONR" inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(5)**; S.I. 2014/251, art. 4
- F42** S. 26(1): Words in definition of "period of responsibility" substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 26(6)**; S.I. 2014/251, art. 4
- F43** Words in s. 26(1) substituted (15.11.1999) by S.I. 1999/2786, **art. 3(1)**
- F44** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(b)(i)** (with art. 40)
- F45** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(b)(ii)** (with art. 40)
- F46** Words in s. 26(1) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(c)(i)** (with art. 40)
- F47** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(c)(ii)** (with art. 40)
- F48** Words in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(d)** (with art. 40)
- F49** Word in s. 26(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(2)(e)** (with art. 40)
- F50** S. 26(1A)-(1D) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(4)** (with art. 40)
- F51** S. 26(1E) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(5)** (with art. 40)
- F52** S. 26(2A) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(6)** (with art. 40)
- F53** S. 26(2B) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), **38(7)** (with art. 40)

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<p>F54 Words in s. 26(3) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), 38(8)(a) (with art. 40)</p> <p>F55 Word in s. 26(3)(a) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), 38(8)(b) (with art. 40)</p> <p>F56 Word in s. 26(3)(b) omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), 38(8)(c) (with art. 40)</p> <p>F57 S. 26(3)(c)-(h) substituted for s. 26(3)(c) (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), arts. 1(2), 38(8)(d) (with art. 40)</p> <hr/> <p>Modifications etc. (not altering text)</p> <p>C5 S. 26(1): functions conferred by the definitions of “excepted matter” and “nuclear matter” made exercisable only after consultation with the Scottish Ministers (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 4, Sch. 3 (with art. 7); S.I. 1998/3178, art. 3</p> <p>C6 Functions of Minister of Power under this Act now exercisable by Secretary of State: S.I. 1969/1498 and 1970/1537</p> <hr/> <p>Marginal Citations</p> <p>M2 1946 c. 80.</p>
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27 Northern Ireland.

- [^{F58}(1) In the application of this Act to Northern Ireland—
- (a) a reference to the Minister shall be construed as a reference to the Secretary of State;
 - ^{F59}(b)
 - ^{F59}(c)]
- ^{F60}(2)
- ^{F60}(3)
- (4) In the application to Northern Ireland of section 21(5) of this Act, the reference to Part VI of the ^{M3} Road Traffic Act 1960 shall be construed as a reference to Part II of the ^{M4} Motor Vehicles and Road Traffic Act (Northern Ireland) 1930 as 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—
- [^{F61}(a) by the Minister; or
 - (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.]
- ^{F62}(6)
- (7) ^{F63}

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Textual Amendments

- F58** S. 27(1) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(3)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , Sch. 1
- F59** S. 27(1)(b)(c) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#) , s. 156(1) , **Sch. 12 para. 27** ; S.I. 2014/251 , art. 4 ; S.I. 2014/251 , art. 4
- F60** S. 27(2)(3) repealed (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , ss. 78(4) , 198(2) , **Sch. 23 Pt. 1** ; S.I. 2004/2575 , art. 2(1) , Sch. 1 ; S.I. 2004/2575 , art. 2(1) , Sch. 1
- F61** S. 27(5)(a)(b) substituted for s. 27(5)(a)-(c) (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , **ss. 78(5)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , Sch. 1
- F62** S. 27(6) repealed (5.10.2004) by [Energy Act 2004 \(c. 20\)](#) , ss. 78(6) , 198(2) , **Sch. 23 Pt. 1** ; S.I. 2004/2575 , art. 2(1) , Sch. 1
- F63** S. 27(7) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#) , s. 41(1) , **Sch. 6 Pt. I**

Marginal Citations

- M3** 1960 c. 16 .
- M4** 1930 c. 24 (N.I.)

28 Channel Islands. Isle of Man, etc.

- (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.

Modifications etc. (not altering text)

- C7** S. 28 extended by [Energy Act 1983 \(c. 25, SIF 44:1\)](#) , **s. 33**
- C8** S. 28 extended (E.W.)(N.I.) by [Congenital Disabilities \(Civil Liability\) Act 1976 \(c. 28\)](#) , **s. 4(6)**

29 Repeals and savings.

- (1) ^{F64}
- (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.
- (4) Nothing in this section shall be construed as affecting the general application of section 38 of the ^{M5}Interpretation Act 1889 with respect to the effect of repeals.

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Textual Amendments

F64 S. 29(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

Marginal Citations

M5 [1889 c. 63](#).

30 Short title and commencement.

- (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.

Modifications etc. (not altering text)

C9 S. 30(2): power of appointment conferred by section 30(2) fully exercised: Act wholly in force by virtue of [S.I. 1965/1880](#), [Energy Act 1983 \(c. 25, SIF 44:1\)](#), **s. 37(3)** and [S.I. 1983/790](#)

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

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