



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### RIGHT TO COMPENSATION IN RESPECT OF BREACH OF DUTY

#### 12 Right to compensation <sup>F1</sup>....

<sup>F2</sup>(1) Where any injury or damage has been caused in breach of a duty imposed by section 7, 7B, 8, 9 or 10, compensation is payable in accordance with section 16 wherever the injury or damage was incurred.

(1A) Where any significant impairment of the environment has been caused in breach of a duty imposed by section 7, 7B, 8, 9 or 10, such compensation as may be claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is payable in accordance with section 16 wherever the impairment arises.

(1B) Where preventive measures are taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10, such compensation as may be claimed by virtue of section 11H(1) is payable in accordance with section 16 wherever the preventive measures are taken.

(1C) Where any injury to a person or damage to property is caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10, such compensation as may be claimed by virtue of section 11H(2) is payable in accordance with section 16 wherever the injury or damage was incurred.

(1D) Subsections (1) to (1C) are subject to—

- (a) section 13(1), (1C), (3), (4) and (4A),
- (b) section 15, and
- (c) section 17(1).

(1E) No liability other than that imposed by subsections (1) to (1C) may be incurred by any person in respect of—

- (a) injury, damage or significant impairment of the environment caused or threatened in breach of a duty imposed by section 7, 7B, 8, 9 or 10,
- (b) preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10, or

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- (c) injury or damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10.

(1F) Subsection (1E) is subject to—

- (a) subsections (1G), (3) and (4), and
- (b) section 21(2).

(1G) Subsection (1E) does not affect such liability as may be incurred in relation to—

- (a) a preventive measure or part of a preventive measure in respect of which a claim for compensation under section 11H(1) may not be made, or
- (b) such injury or damage as is excluded from a claim for compensation under this Act by section 11H(3).]

[<sup>F3</sup>(2) Subject to subsection (3), any injury, damage or significant impairment of the environment which, though not caused in breach of a duty imposed by section 7, 7B, 8, 9 or 10, is not reasonably separable from injury, damage or significant impairment so caused, is to be deemed for the purposes of subsections (1) to (1C) to have been so caused.]

(3) Where [<sup>F4</sup>any injury, damage or significant impairment of the environment] 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 [<sup>F5</sup>same injury, damage or significant impairment of the environment] both under this Act and otherwise than under this Act.

[<sup>F6</sup>(3A) Subject to subsection (4), where damage to any property has been caused which was not caused in breach of a duty imposed by section 7, 7B, 8, 9 or 10 but which would have been caused in breach of such a duty if in section 7(1A)(b) and (1C)(b) the words “other than the licensee” or in section 10(1)(b) the words “other than that operator” had not been enacted, no liability which, apart from this subsection, would have been incurred by any person in respect of that damage is to be so incurred except—

- (a) in pursuance of an agreement to incur liability in respect of such damage entered into in writing before the occurrence of the damage, or
- (b) where the damage was caused by an act or omission of that person done with intent to cause injury or damage.]

[<sup>F7</sup>(3B) Subject to subsection (4), where compensation for damage to any property would have been payable by virtue of a claim under section 11H(2) if section 11H(4) had not been enacted, no liability which, apart from this subsection, would have been incurred by any person in respect of that damage is to be so incurred except—

- (a) in pursuance of an agreement to incur liability in respect of such damage entered into in writing before the occurrence of the damage, or
- (b) where the damage was caused by an act or omission done maliciously or negligently by the person whose breach of a duty imposed by section 7, 7B, 8, 9 or 10 is the reason for the claim.]

(4) Subject to section 13(5) of this Act, nothing in [<sup>F8</sup>subsection (1E), (3A) or (3B)] shall affect—

- (a) .....<sup>F9</sup>
- (b) the operation of the <sup>M1</sup>Carriage by Air Act 1932, the <sup>M2</sup>Carriage by Air Act 1961 or the <sup>M3</sup>Carriage by Air (Supplementary Provisions) Act 1962 in

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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.

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#### Textual Amendments

- F1** Words in s. 12 heading 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), **11(8)** (with art. 40)
- F2** S. 12(1)-(1G) substituted for s. 12(1) (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), **11(2)** (with art. 40)
- F3** S. 12(2) 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), **11(3)** (with art. 40)
- F4** Words in s. 12(3) 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), **11(4)(a)** (with art. 40)
- F5** Words in s. 12(3) 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), **11(4)(b)** (with art. 40)
- F6** S. 12(3A) 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), **11(5)** (with art. 40)
- F7** S. 12(3B) 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), **11(6)** (with art. 40)
- F8** Words in s. 12(4) 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), **11(7)** (with art. 40)
- F9** S. 12(4)(a) repealed by [Carriage of Goods by Sea Act 1971 \(c. 19\)](#), s. **6(3)(b)(5)**

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#### Marginal Citations

- M1** 1932 c. 36.  
**M2** 1961 c. 27.  
**M3** 1962 c. 43.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2014 c. 20 Sch. 1 para. 3\(2\)\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2A)(2B) inserted by [2023 c. 52 s. 156\(2\)](#)
- s. 1(12) inserted by [2023 c. 52 s. 302\(2\)](#)
- s. 1(13) inserted by [2023 c. 52 s. 303\(2\)](#)
- s. 3(12A) inserted by [2023 c. 52 s. 303\(3\)\(b\)](#)
- s. 3A inserted by [2023 c. 52 s. 303\(4\)](#)
- s. 5(15)(ba)(bb) inserted by [2023 c. 52 s. 303\(5\)\(f\)](#)
- s. 5A inserted by [2023 c. 52 s. 303\(6\)](#)
- s. 7B(2A) inserted by [2023 c. 52 s. 303\(7\)\(a\)](#)
- s. 7B(2B) inserted by [2023 c. 52 s. 304\(2\)\(a\)](#)
- s. 7B(3)(e) inserted by [2023 c. 52 s. 304\(2\)\(b\)](#)
- s. 7B(3A) inserted by [2023 c. 52 s. 304\(2\)\(c\)](#)
- s. 7B(5A) inserted by [2023 c. 52 s. 303\(7\)\(c\)](#)
- s. 7B(7A) inserted by [2023 c. 52 s. 304\(2\)\(e\)](#)
- s. 20(5A) inserted by [2023 c. 52 s. 304\(4\)](#)
- s. 27(1)(aa) inserted by [2023 c. 52 s. 303\(8\)](#)