



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### COVER FOR COMPENSATION

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

- (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 [<sup>F1</sup>which is the equivalent in sterling (on the day, or first day, of that occurrence) of 5 million special drawing rights] 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.

[<sup>F2</sup>(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1) of this section; but an order under this subsection shall not have effect in respect of any occurrence before (or beginning before) the order comes into force.]

- (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.

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Nuclear Installations Act 1965, Section 21 is up to date with all changes known to be in force on or before 21 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)*

- (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 of 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 [<sup>F3</sup>level 3 on the standard scale].
- (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.

[<sup>F4</sup>(4A) Subsection (3) of this section shall not apply where the carriage in question is wholly within the territorial limits of the United Kingdom.]

- (5) The requirements of Part VI of the <sup>M1</sup>Road Traffic Act 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 [<sup>F5</sup>, or damage to the property of any person,] for which any person is liable by virtue of section 7, 8, 9 or 10 of this Act.

#### Textual Amendments

- F1** Words substituted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 29\(1\)\(4\)](#)
- F2** [S. 21\(1A\)](#) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 29\(2\)\(4\)](#)
- F3** Words substituted by virtue of (E. W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5\(2\), 9](#)
- F4** [S. 21\(4A\)](#) inserted by [Energy Act 1983 \(c. 25, SIF 44:1\)](#), [s. 29\(3\)\(4\)](#)
- F5** Words inserted by [S.I. 1987/2171](#), [reg. 5](#) and by [S.R. \(N.I.\) 1989/84](#), [reg. 5](#)

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**Marginal Citations**

**M1** 1960 c. 16.

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