

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Schedule 22. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 22

Section 305

#### ACCESSION TO CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE

- 1 In section 13 of the Nuclear Installations Act 1965 (“the 1965 Act”) (exclusion, extension or reduction of compensation in certain cases), in subsection (5A), after “(1ZA),” insert “(1ZAA),”.

#### Commencement Information

- II Sch. 22 para. 1 comes into force in accordance with s. 334(4)

- 2 (1) Section 16 of the 1965 Act (satisfaction of claims) is amended as follows.
- (2) In subsection (1ZA) after “or 9” insert “, other than CSC-only claims,”.
- (3) After subsection (1ZA) insert—
- “(1ZAA) Notwithstanding subsection (1), if the amount payable by a person in respect of CSC-only claims for compensation under this Act in respect of any one occurrence or event constituting a breach of a duty imposed on that person by section 7, 7B, 8 or 9 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of 300 million special drawing rights, that person is not required to satisfy further claims for compensation.”
- (4) In subsection (1A) for “or (3B)” substitute “, (1ZAA), (3B), (3BA), (3BB), (3BC) or (3BD)”.
- (5) In subsection (3)(a) after “subsection (1)” insert “, (1ZA), (1ZAA), (1ZB)”.
- (6) In subsection (3B)—
- (a) after “or 10” insert “, other than CSC-only claims (“non-CSC-only claims”),”,
- (b) after “further” insert “non-CSC-only”, and
- (c) after “special relevant claims” insert “or CSC claims (or both)”.
- (7) After subsection (3B) insert—
- “(3BA) To the extent that further non-CSC-only claims for compensation are special relevant claims, the appropriate authority may be required to satisfy them up to the equivalent in sterling of 1,500 million euros (in the aggregate and apart from interest or costs).
- (3BB) To the extent that further non-CSC-only claims for compensation are CSC claims, the appropriate authority may be required to satisfy them up to the equivalent in sterling of the aggregate of 700 million euros and the value of the CSC international pooled funds (in the aggregate and apart from interest or costs).

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- (3BC) To the extent that further non-CSC-only claims for compensation are both special relevant claims and CSC claims, the appropriate authority may be required to satisfy them up to the equivalent in sterling of the aggregate of 1,500 million euros and the value of the CSC international pooled funds (in the aggregate and apart from interest or costs).
- (3BD) If the amount payable in respect of CSC-only claims in respect of any one occurrence or event constituting a breach of a duty imposed on a person by section 7, 7B, 8, 9 or 10 reaches, in the aggregate and apart from interest or costs, the equivalent in sterling of the aggregate of 300 million special drawing rights and the value of the CSC international pooled funds, the appropriate authority is not required to satisfy further such claims for compensation.
- (3BE) If the CSC international pooled funds are (or will be) reduced by virtue of claims to which subsection (3) applies by 50%, the appropriate authority is not required to satisfy further claims for compensation if that would give rise to a further reduction of those funds except to the extent that those further claims are non-UK CSC claims.”
- (8) In subsection (3C)(a) after “subsection (3B)” insert “or, in a case where the relevant reciprocating territory is also a CSC territory (as defined by section 16AA), (3BB)”.
- (9) In subsection (3D)—
- (a) in paragraph (b)(i) and (ii) after “subsection (1ZA)” insert “, (1ZAA),” and
  - (b) in paragraph (b)(iii) after “subsection (3B)” insert “, (3BA), (3BB), (3BC), (3BD), (3BE)”.

**Commencement Information**

**I2** Sch. 22 para. 2 comes into force in accordance with s. 334(4)

- 3 In section 16A of the 1965 Act (section 16: supplementary), in subsection (7)(b) for “section 18(1A)” substitute “section 16(3BA)”.

**Commencement Information**

**I3** Sch. 22 para. 3 comes into force in accordance with s. 334(4)

- 4 After section 16A of the 1965 Act insert—

**“16AA Section 16: CSC-related definitions**

- (1) This section applies for the purposes of section 16.
- (2) A claim for compensation under this Act in the case of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 is a CSC claim if—
  - (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (3),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or

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- paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (3), or
- (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (3).
- (3) The injury, damage and significant impairment of the environment referred to in subsection (2) are—
- (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of the United Kingdom or another CSC territory;
- (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of the United Kingdom or another CSC territory in connection with the exploitation or exploration of the natural resources of that exclusive economic zone or continental shelf;
- (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in the United Kingdom or another CSC territory;
- (d) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by a national of the United Kingdom or another CSC territory;
- (e) injury or damage that is incurred outside the territorial limits of any country or territory by, or by persons or property on, an artificial island, installation or structure that is subject to the jurisdiction of the United Kingdom or another CSC territory.
- (4) A CSC claim is a CSC-only claim if—
- (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (5),
- (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (5), or
- (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (5).
- (5) The injury, damage and significant impairment of the environment referred to in subsection (4) are—
- (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of a CSC-only territory;
- (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of a CSC-only territory in connection with the exploitation or exploration of the natural resources of that exclusive economic zone or continental shelf;

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- (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in a CSC-only territory;
  - (d) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by a national of a CSC-only territory;
  - (e) injury or damage that is incurred outside the territorial limits of any country or territory by, or by persons or property on, an artificial island, installation or structure that is subject to the jurisdiction of a CSC-only territory.
- (6) A CSC-only territory is a CSC territory that is not—
- (a) the United Kingdom,
  - (b) any other CSC territory that is a relevant territory in relation to a relevant international agreement other than the CSC,
  - (c) a country mentioned in section 26(1B)(b),
  - (d) an overseas territory mentioned in section 26(1B)(c) or (d), or
  - (e) a relevant reciprocating territory.
- (7) A CSC claim is a non-UK CSC claim if—
- (a) the injury or damage for which compensation is claimed is such injury or damage as is mentioned in subsection (8),
  - (b) the significant impairment of the environment by reference to which compensation is claimed by virtue of section 11A(1) or 11G(1) or paragraph 1 of Schedule 1A is such significant impairment of the environment as is mentioned in subsection (8), or
  - (c) the preventive measures by reference to which compensation is claimed by virtue of section 11H(1) or (2) are preventive measures relating to such injury, damage or significant impairment of the environment as is mentioned in subsection (8).
- (8) The injury, damage and significant impairment of the environment referred to in subsection (7) are—
- (a) injury, damage or significant impairment of the environment that is incurred within the territorial limits of a CSC territory other than the United Kingdom;
  - (b) injury, damage or significant impairment of the environment that is incurred in or above the exclusive economic zone or on the continental shelf of a CSC territory other than the United Kingdom in connection with the exploitation or exploration of the natural resources of that exclusive economic zone or continental shelf;
  - (c) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by, or by persons or property on, a ship or aircraft registered in the United Kingdom or another CSC territory;
  - (d) injury or damage that is incurred in or above the sea outside the territorial limits of any country or territory by a national of the United Kingdom or another CSC territory;
  - (e) injury or damage that is incurred outside the territorial limits of any country or territory by, or by persons or property on, an artificial

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island, installation or structure that is subject to the jurisdiction of the United Kingdom or another CSC territory.

(9) In this section—

“CSC territory” means—

- (a) a country that is a party to the CSC, or
- (b) an overseas territory of such a country, if the CSC applies to the overseas territory,

“national”, in relation to a CSC territory, includes—

- (a) that CSC territory and any part of it,
- (b) a public or private body established in the CSC territory or part of it, whether a body corporate or not,
- (c) a partnership established in the CSC territory or part of it, and
- (d) a trust the validity of which is governed by the law of the CSC territory, and

“the CSC” means the Convention on Supplementary Compensation for Nuclear Damage (as amended or supplemented from time to time).

(10) A reference in this section to a national of the United Kingdom is to be construed in accordance with section 16A(8).”

#### Commencement Information

**I4** Sch. 22 para. 4 comes into force in accordance with s. 334(4)

5 In section 17 of 1965 Act (jurisdiction, shared liability and foreign judgments), in subsection (3B)(a) and (b) after “section 16(1ZA)” insert “, (1ZAA)”.

#### Commencement Information

**I5** Sch. 22 para. 5 comes into force in accordance with s. 334(4)

6 (1) Section 18 of the 1965 Act (general cover for compensation) is amended as follows.

(2) In subsection (1A) for “1,500 million euros” substitute “the aggregate of 1,500 million euros and the value of the CSC international pooled funds”.

(3) In subsection (1D)—

- (a) in each of paragraphs (a) and (b) after “section 16(1ZA)” insert “, (1ZAA)”, and
- (b) in paragraph (c) after “section (3B)” insert “, (3BA), (3BB), (3BD), (3BE)”.

(4) In subsection (4B)(b) after “section 16(1ZA)” insert “or, where relevant, (1ZAA)”.

#### Commencement Information

**I6** Sch. 22 para. 6 comes into force in accordance with s. 334(4)

7 After section 25B of the 1965 Act (amounts in euros) insert—

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### “25C Special drawing rights

- (1) In this Act “special drawing rights” means special drawing rights as defined by the International Monetary Fund; and for the purpose of determining the equivalent in sterling on any day of a sum expressed in special drawing rights, one special drawing right is to be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—
  - (a) for that day, or
  - (b) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
  - (a) that a particular sum in sterling has been so fixed for a particular day, or
  - (b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,
 is to be conclusive evidence of those matters for the purposes of subsection (1) of this section; and a document purporting to be such a certificate is in any proceedings to be received in evidence and, unless the contrary is proved, to be deemed to be such a certificate.
- (3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) of this section.
- (4) Any fee received by the Treasury by virtue of subsection (3) is to be paid into the Consolidated Fund.”

#### Commencement Information

**I7** Sch. 22 para. 7 comes into force in accordance with s. 334(4)

- 8 (1) Section 26 of the 1965 Act (interpretation) is amended as follows.
- (2) In subsection (1)—
  - (a) after the definition of “cover period” insert—
 

““CSC claim” has the meaning given by section 16AA;  
 “CSC international pooled funds” means the funds referred to by Article III.1(b) of the Convention on Supplementary Compensation for Nuclear Damage;  
 “CSC-only claim” has the meaning given by section 16AA;”;
  - (b) in the definition of “event”—
    - (i) after “(1ZA),” insert “(1ZAA),” and
    - (ii) after “(3B)” insert “, (3BD)”;
  - (c) after the definition of “the Minister” insert—
 

““non-UK CSC claim” has the meaning given by section 16AA;”;
  - (d) in the definition of “occurrence”—
    - (i) after “(1ZA),” insert “(1ZAA),” and
    - (ii) after “(3B)” insert “, (3BD)”.

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- (e) after the definition of “overseas territory” insert—
- ““the Paris Convention” means the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960, as amended by the Additional Protocol of 28 January 1964, by the Protocol of 16 November 1982 and by the Protocol of 12 February 2004;”.
- (3) In subsection (1A)(a)—
- (a) in the opening words, for “a relevant international agreement” substitute “the Paris Convention”;
- (b) in sub-paragraph (i)—
- (i) for “relevant international agreement” (in each place it appears) substitute “Convention”;
- (ii) for “agreement” (in the third place it appears) substitute “Convention”;
- (iii) for “agreement’s” substitute “Convention’s”;
- (c) in sub-paragraph (ii), for “relevant international agreement” substitute “Convention”.

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**Commencement Information**

**18** Sch. 22 para. 8 comes into force in accordance with s. 334(4)

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