
STATUTORY INSTRUMENTS

2016 No. 562

The Nuclear Installations (Liability for Damage) Order 2016

Transitional provision

- 40.**—(1) The amendments made by this Order do not have effect in relation to—
- (a) an occurrence falling within section 7(1A) of the 1965 Act (including section 7(1A) as applied by section 7B, 8 or 9 of the 1965 Act) or section 10(1) or 11 of the 1965 Act that happens before (or begins to happen before) the main commencement day;
 - (b) an occurrence falling within section 7(1C) of the 1965 Act (including section 7(1C) as applied by section 7B, 8 or 9 of the 1965 Act) that happens before (or begins to happen before) the main commencement day;
 - (c) an event falling within section 7(1E) of the 1965 Act (including section 7(1E) as applied by section 7B, 8 or 9 of the 1965 Act) or section 10(1A) of the 1965 Act that happens before (or begins to happen before) the main commencement day.
- (2) In paragraph (1)—
- (a) a reference to a provision of the 1965 Act is a reference to that provision as amended by this Order,
 - (b) a reference to an occurrence is to be construed in accordance with section 26 of the 1965 Act as amended by this Order, and
 - (c) “event” has the meaning given by section 26(1) of the 1965 Act as amended by this Order.
- (3) If nuclear matter or waste is in a place other than a relevant site for a pre-commencement reason, no effect resulting from the radioactive properties of that matter, whether on their own or in combination with other hazardous properties of that matter, that happens on or after the main commencement day may be the basis of a claim under the 1965 Act as it has effect after this Order comes fully into force.
- (4) Nuclear matter or waste is in a particular place for a pre-commencement reason if it is there—
- (a) as a consequence of an occurrence falling within section 7(1A) of the 1965 Act (including section 7(1A) as applied by section 8 or 9) or section 10(2) of the 1965 Act (as that Act has effect before the main commencement day) that happened before (or began to happen before) the main commencement day,
 - (b) as a consequence of a discharge of waste on or from a relevant site (within the meaning of the 1965 Act as it had effect before the main commencement day) in the United Kingdom that happened before (or began to happen before) the main commencement day,
 - (c) because it was carried to that place before the main commencement day, or
 - (d) because, having been carried to a place other than a relevant site (within the meaning of the 1965 Act as it had effect before the main commencement day) before the main commencement day, it has afterwards moved to the place in question.
- (5) The amendments made by this Order to section 16(1) of the 1965 Act do not affect liability in respect of any occurrence (within the meaning of the 1965 Act as it had effect before the main commencement day) happening before (or beginning to happen before) the main commencement day.

(6) At the beginning of the main commencement day, the current cover period relating to a licensee of a licensed site is to end, and a new cover period is to begin.

(7) The following powers under section 19(1) of the 1965 Act may be exercised before the main commencement day as regards the provision that would be required under section 19(1) on the main commencement day—

- (a) the power under section 19(1) to approve the provision made by the licensee of a licensed site or the operator of a relevant disposal site, and
- (b) the power under section 19(1) to consent to that approval.

(8) Approval so given (and not withdrawn) is to be treated as having effect from the beginning of the main commencement day.

(9) In this article—

“cover period”—

- (a) in relation to times before the main commencement day, has the meaning given by section 19(2) of the 1965 Act (as that subsection then has effect), and
- (b) in relation to times on and after the main commencement day, has the meaning given by section 19(2) as amended by article 32;

“licensed site”, “licensee” and “nuclear matter” have the same meaning as in the 1965 Act;

“relevant disposal site” has the same meaning as in the 1965 Act, as it has effect after this Order comes fully into force;

“relevant site” has the same meaning as in the 1965 Act, as it has effect after this Order comes fully into force (except in paragraph (4)(b) and (d)).