



Jersey

# **NUCLEAR INSTALLATIONS (JERSEY) ORDER 1980**

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**APPENDIX**



Jersey

# NUCLEAR INSTALLATIONS (JERSEY) ORDER 1980

**Jersey Order in Council 1/1981**

**NUCLEAR INSTALLATIONS (JERSEY) ORDER 1980.**

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*(Registered on the 21st day of November, 1980).*

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**At the Court at Buckingham Palace.**

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13th October, 1980.

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PRESENT

**The Queen's Most Excellent Majesty in Council.**

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**HER MAJESTY** in exercise of the powers conferred upon Her by section 28(1) of the Nuclear Installations Act 1965, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

1. This Order may be cited as the Nuclear Installations (Jersey) Order 1980 and shall come into operation on 3rd November 1980.
2. In this Order “Jersey” means the Bailiwick of Jersey and the territorial waters adjacent thereto.
3. Sections 10 to 17, 21 to 26 and 30 of the Nuclear Installations Act 1965 and Schedule 2 thereto, shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

**N.E. LEIGH,**

*Clerk of the Privy Council.*

*SCHEDULE***EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF SECTIONS 10 TO 17, SECTIONS 21 TO 26 AND SECTION 30 OF AND SCHEDULE 2 TO THE NUCLEAR INSTALLATIONS ACT 1965 TO JERSEY**

1. Subject as hereinafter provided, the provisions referred to in Article 3 of this Order shall have effect as if –

- (a) the Nuclear Installations Act 1965 etc. (Repeals and Modifications) Regulations 1974 (repeals and modifications consequential on the Health and Safety at Work etc. Act 1974) had not been made, and
- (b) any reference therein to any provision of the Act or of any other enactment were a reference to that provision as it has effect in Jersey.

2. For section 10 there shall be substituted the following section: -

“10. In the case of any nuclear matter which is not excepted matter and which –

- (a) is in the course of carriage on behalf of a relevant operator; or
- (b) is in the course of carriage to such an operator’s relevant installation with the written agreement of that operator from a place outside the relevant territories; or
- (c) having been in such an operator’s relevant installation or in the course of carriage on behalf of such an operator, has not subsequently been in any relevant installation or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

it shall be the duty of that operator to secure that no occurrence taking place wholly or partly within the territorial limits of Jersey causes injury to any person or damage to any property of any person other than that operator, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.”.

3. In section 11 for the words “the United Kingdom” there shall be substituted the word “Jersey” and for sub-paragraphs (a) and (b) there shall be substituted the words “the carriage is not relevant carriage”.

4. For section 12(1) there shall be substituted the following subsection: -

“(1) Where any injury or damage has been caused in breach of the duty imposed by section 10 of this Act –

- (a) subject to sections 13(4), 15, 16(2) and 17(1) of this Act, compensation in respect of that injury or damage shall be payable wherever the injury or damage was incurred;

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- (b) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.”.
- 5. Section 12(3A) shall be omitted.
- 6. In section 12(4) –
  - (a) the words “or in subsection (3A)” shall be omitted;
  - (b) for paragraph (a) (repealed by section 6(3) of the Carriage of Goods by Sea Act 1971) there shall be substituted the following paragraph: -
 

“(a) the operation of the Loi (1926) au sujet du Transport de Marchandises par Mer; or”;
  - (c) in paragraph (c) the reference to an Act shall include a reference to a law of the States of Jersey.
- 7. In section 13 –
  - (a) subsections (1) to (3) shall be omitted;
  - (b) in subsection (4) –
    - (i) the words “7, 8 and 9” shall be omitted;
    - (ii) in paragraph (a) for the words “the United Kingdom” there shall be substituted the word “Jersey”;
    - (iii) in paragraph (b) after the word “shall” there shall be inserted the words “subject to section 16(2) of this Act”;
  - (c) for subsection (5) there shall be substituted the following subsection: -
 

“(5) Where, in the case of an occurrence which constitutes a breach of the duty imposed by section 10 of this Act, a person other than the person subject to that duty makes any payment in respect of injury or damage caused by that occurrence and –

    - (a) the payment is made in pursuance of any of the following five international Conventions, that is to say, the draft Convention (setting out rules relating to bills of lading) of the International Conference on Maritime Law held at Brussels in October 1922, as amended in October 1923, the Convention for the unification of certain rules relating to international carriage by air concluded at Warsaw on 12th October 1929, the Warsaw Convention as amended at the Hague in 1955, the Convention Supplementary to the Warsaw Convention held at Guadalajara in 1961 for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier and the Convention on the Contract for the international carriage of goods by road signed at Geneva on 19th May 1956, or
    - (b) the injury or damage was incurred in a country which is not a relevant territory and the payment is made by virtue of a law of that country and by a

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person who has his principal place of business in a relevant territory or is acting on behalf of such a person,

the person making the payment may make the like claim under this Act for compensation of the like amount, if any, not exceeding the amount of the payment made by him as would have been available to him if the injury in question had been suffered by him, or as the case may be, the property suffering the damage in question had been his.”;

(d) in subsection (6) the words “7, 8, 9 or” shall be omitted.

8. In section 14(1), the words “7(2)(b) or (c),” and “7, 8, 9,” shall be omitted and the words after “aircraft;”, where it first occurs, to and including the words “Schedule 1,” shall be omitted.

9. Section 14(2) shall be omitted.

10. In section 15(1) –

(a) the words “and to section 16(3) of this Act” shall be omitted;

(b) for the words “any of sections 7 to 11” there shall be substituted the words “section 10 or 11”;

(c) for the word “thirty” there shall be substituted the word “ten”;

(d) the words from “or was one” to “particular operation” and the words “or succession of occurrences” shall be omitted.

11. In section 15(2) the words “7, 8, 9 or” shall be omitted.

12. For section 16 there shall be substituted the following section: -

“16.-(1) A relevant operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence-

(a) when the occurrence involves nuclear matter in the course of carriage and the claim is in respect of damage to the means of transport being used for that carriage unless the relevant law otherwise provides;

(b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant law and has not been made available by means of a relevant contribution.

(2) A relevant operator shall not be required by virtue of section 12(1)(a) or 13(4)(b) of this Act to make any payment by way of compensation in respect of an occurrence if he would not have been required to have made that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant law.”.

13. In section 17 for references to the Minister there shall be substituted references to the Secretary of State.

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14. In section 17(1) –
  - (a) for the words “the United Kingdom or any part thereof” there shall be substituted the word “Jersey”;
  - (b) the words “or, as the case may be, of some other part of the United Kingdom” shall be omitted;
  - (c) for the words “the United Kingdom or as the case may be that part thereof” there shall be substituted the word “Jersey”.
15. In section 17(2) for the words “in a particular part of the United Kingdom” there shall be substituted the words “of a relevant territory”.
16. For section 17(3) there shall be substituted the following subsection: -
 

“(3) Where by virtue of section 10 of this Act and of any relevant law, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in Jersey relating to that injury or damage including proceedings for the enforcement of a judgment registered under the Judgments (Reciprocal Enforcement) (Jersey) Law 1960 both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage, provided that, where such liability is incurred as a result of an occurrence involving nuclear matter in the course of carriage in one and the same means of transport, the maximum total amount for which such persons shall be liable, apart from payments in respect of interest or costs, shall not exceed the highest amount required to be available by the relevant law, together with such amounts, if any, as fall to be made available by means of relevant contributions.”.
17. In section 17(4), for the words “Part I of the said Act of 1933” there shall be substituted the words “Part II of the said Law of 1960” and for the words “section 4 of that Act subsections” there shall be substituted the words “Article 6 of that Law paragraphs”.
18. In section 17(5), for the words “the United Kingdom” in both places where they occur, there shall be substituted the word “Jersey” and for the word “Acts” there shall be substituted the word “enactments.”.
19. In section 17(6), for the words “the United Kingdom” there shall be substituted the word “Jersey” and the word “foreign” and the words “or in Scotland the execution of diligence” shall be omitted.
20. For section 21(1) there shall be substituted the following subsection: -
 

“(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 against any person by virtue of section 10 of this Act, then no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by the relevant law or which have been made available by means of a relevant contribution such as to prevent the satisfaction out of those funds up to an aggregate of £2,100,000 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.”.

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21. In section 21(2) the word “foreign” shall be omitted and for the words “16(2)(a)” there shall be substituted the words “16(1)(a)”.

22. For section 21(3) there shall be substituted the following subsection: -

“(3) Where any nuclear matter is carried by, or on behalf of, or with the agreement of, a relevant operator in such circumstances that he may incur liability by virtue of section 10 of this Act, and he has pursuant to the relevant law provided the carrier with a document, issued by or on behalf of the person by whom there fall to be provided the funds required by the relevant law to be available to satisfy any claim in respect of the carriage in question, and containing the name and address of that operator and particulars of those funds, none of the contents of that document shall be disputed in any court by the person by whom or on whose behalf it was issued.”.

23. Section 21(4) shall be omitted.

24. In section 21(5) for the words “Part VI of the Road Traffic Act 1960” there shall be substituted the words “Motor Traffic (Third Party Insurance) (Jersey) Law 1948” and the words “7, 8, 9 or” shall be omitted.

25. In section 22(1) the words from “(a)” to “(b)” and the word “7,” shall be omitted.

26. In section 22(2) –

- (a) the words “licensee or” in both places where they occur shall be omitted;
- (b) for the word “Minister” there shall be substituted the words “Committee”;
- (c) the words “on summary conviction” shall be omitted.

27. Section 22(3) shall be omitted.

28. In section 22(4) for the references to the Minister there shall be substituted references to the Committee.

29. In section 22(5) for the references to the Minister, there shall be substituted references to the Bailiff and for the words “Schedule 2” there shall be substituted the words “the Schedule”.

30. For section 22(6) there shall be substituted the following subsection: -

“(6) In this section ‘prescribed’ means prescribed by Order of the Committee.”.

31. In section 23(1) –

- (a) for the words “any of sections 7 to 11”, there shall be substituted the words “section 10 or 11”;
- (b) for the words “any of those sections” there shall be substituted the words “either of those sections”;
- (c) the words after “proved” shall be omitted.

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32. In section 23(2) for the words from “the authority hereinafter” to the end of the subsection there shall be substituted the words “the Committee”.

33. For section 24(1) there shall be substituted the following subsection: -

“(1) The Committee may appoint as inspectors to assist in the execution of this Act such number of persons appearing to the Committee to be qualified for the purpose as the Committee 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 Committee may determine.”.

34. In section 24(2) paragraphs (a) and (b) shall be omitted and in paragraph (d) for the words “the licensee or other” there shall be substituted the word “any”.

35. Section 24(3) shall be omitted.

36. In section 24(4), the words “(a) or”, “(b) or” and “on summary conviction” shall be omitted.

37. In section 24(5), for the word “Minister” there shall be substituted the word “Committee” and the words from “(a)” to “indictment” shall be omitted.

38. Section 24(6) and (7) shall be omitted.

39. In section 25 the words after “accordingly” to the end of subsection (2) shall be omitted and for subsection (3) there shall be substituted the following provision: -

“(3) Proceedings in respect of any offence under this Act shall not be instituted in Jersey except by or with the consent of the Attorney General for Jersey.”.

40. In section 26(1) –

(a) the definitions of “the Act of 1959”, “atomic energy”, “the Authority”, “contravention”, “cost”, “cover period”, “licensed site”, “licensee”, “Minister”, “nuclear installation”, “nuclear reactor”, “nuclear site licence”, “period of responsibility” and “relevant site” shall be omitted;

(b) before the definition of “excepted matter” there shall be inserted the following definition: -

“ ‘the Committee’ means the Defence Committee of the States of Jersey;”;

(c) in the definition of “excepted matter” there shall be substituted for paragraph (d) the following paragraph: -

“(d) nuclear matter of such other description, if any, as may be excluded from the operation of the relevant international agreement by the relevant law.”;

(d) in the definition of “home territory” the word “foreign” shall be omitted;

(e) for the definition of “occurrence” there shall be substituted the following definition: -



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“ ‘occurrence’ in sections 16 and 17(3) of this Act means, in the case of a continuing occurrence, the whole of that occurrence;”;

- (f) for the definition of “prescribed” there shall be substituted the following definition:

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“ ‘prescribed’, except in section 22 of this Act, means prescribed by regulations having effect in Great Britain which are registered in the Royal Court of Jersey;”;

- (g) in the definition of “relevant carriage” paragraphs (a) to (c) shall be omitted and in paragraph (d) the word “foreign” shall be omitted;
- (h) from the words “relevant foreign contribution” the word “foreign” and in the definition the words “other than the United Kingdom” shall be omitted;
- (i) in the definition of “relevant foreign judgment” for the words “the United Kingdom” there shall be substituted the word “Jersey”;
- (j) from the words “relevant foreign law” the word “foreign” and in the definition the words “other than the United Kingdom or any part thereof” and “foreign” shall be omitted;
- (k) from the words “relevant foreign operator” the word “foreign” and in the definition the words “other than the United Kingdom” shall be omitted.

41. In section 26(3) the word “foreign” in both places where it occurs shall be omitted and for the word “Minister” there shall be substituted the words “Secretary of State”.

42. For section 30(2) there shall be substituted the following subsections: -

“(2) This Act, except for section 17(5), shall come into operation forthwith and section 17(5) shall come into operation by order of the Secretary of State.

(3) Any order made by the Secretary of State under the provisions of the last preceding subsection shall not come into force until registered by the Royal Court.”.

43. Schedule 1 shall be omitted and Schedule 2 shall be named “the Schedule”.

44. In the Schedule –

- (a) in paragraph 1 for the word “Minister” there shall be substituted the word “Committee”;

- (b) for paragraph 2 there shall be substituted the following provision: -

“2. The Committee may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Committee may determine.”;

- (c) in paragraph 5 for the word “Minister” there shall be substituted the word “Committee” and for the words after “attending” in the second place where they

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appear to the end of the paragraph there shall be substituted the words “before the Royal Court”;

- (d) in paragraph 6 for any reference to “the Minister” there shall be substituted a reference to “the Committee” and for the word “Parliament” there shall be substituted the words “the States of Jersey”;
- (e) in paragraph 7 for the words from “the High Court” where they first occur to “Court of Session” where they secondly occur there shall be substituted the words “the Royal Court and that Court” and for the words from “the High Court” where they last occur to the end of the paragraph there shall be substituted the words “the Royal Court”;
- (f) paragraph 8 shall be omitted.

**NUCLEAR INSTALLATIONS ACT 1965****CHAPTER 57**

## ARRANGEMENT OF SECTIONS

## Section

\* \* \* \* \*

*Duty of licensee etc. in respect of nuclear occurrences*

\* \* \* \* \*

- 10. Duty of certain foreign operators.
- 11. Duty of other persons causing nuclear matter to be carried.

*Right to compensation in respect of breach of duty*

- 12. Right to compensation by virtue of sections 7 to 10.
- 13. Exclusion, extension or reduction of compensation in certain cases.
- 14. Protection for ships and aircraft.

*Bringing and satisfaction of claims*

- 15. Time for bringing claims under sections 7 to 11.
- 16. Satisfaction of claims by virtue of sections 7 to 10.
- 17. Jurisdiction, shared liability and foreign judgments.

*Cover for compensation*

\* \* \* \* \*

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

*Miscellaneous and general*

- 22. Reporting of and inquiries into dangerous occurrences.
- 23. Registration in connection with certain occurrences.
- 24. Inspectors.
- 25. Offences – general.

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26. Interpretation.

\* \* \* \* \*

30. Short title and commencement.

Schedule – Inquiries under section 22(5).

**ELIZABETH II****CHAPTER 57**

**AN ACT** to consolidate the Nuclear Installations Acts 1959 and 1965

[5th August 1965]

**BE** it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: <sup>-1</sup>

\* \* \* \* \*

*Duty of licensee, etc. in respect of nuclear occurrences*

\* \* \* \* \*

**DUTY OF CERTAIN FOREIGN OPERATORS**

- [10. In the case of any nuclear matter which is not excepted matter and which –
- (a) is in the course of carriage on behalf of a relevant operator; or
  - (b) is in the course of carriage to such an operator's relevant installation with the written agreement of that operator from a place outside the relevant territories; or
  - (c) having been in such an operator's relevant installation or in the course of carriage on behalf of such an operator, has not subsequently been in any relevant installation or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

it shall be the duty of that operator to secure that no occurrence taking place wholly or partly within the territorial limits of Jersey causes injury to any person or damage to any property of any person other than that operator, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.]

**DUTY OF OTHER PERSONS CAUSING NUCLEAR MATTER TO BE CARRIED**

**11.** Where any nuclear matter, not being excepted matter, is in the course of carriage within the territorial limits of [Jersey] on behalf of any person (hereafter in this section referred to as "the responsible party") and [the carriage is not relevant carriage], it shall be the duty of the responsible party to secure that no occurrence involving that nuclear matter causes injury to any person or damage to any property of any person other than the responsible party, being injury or damage incurred within the said territorial limits and arising out of or resulting

<sup>1</sup> Deletions and words in brackets indicate adaptations and modifications made by the Nuclear Installations (Jersey) Order 1980.

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from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

*Right to compensation in respect of breach of duty*

## RIGHT TO COMPENSATION BY VIRTUE OF SECTIONS 7 TO 10

**12.**—[(1) Where any injury or damage has been caused in breach of the duty imposed by section 10 of this Act –

- (a) subject to sections 13(4), 15, 16(2) and 17(1) of this Act, compensation in respect of that injury or damage shall be payable wherever the injury or damage was incurred;
- (b) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.]

(2) Subject to subsection (3) of this section, any injury or damage which, though not caused in breach of such a duty as aforesaid, is not reasonably separable from injury or damage so caused shall be deemed for the purposes of subsection (1) of this section to have been so caused.

(3) Where any injury or damage 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 same injury or damage both under this Act and otherwise than under this Act.

\* \* \* \* \*

(4) Subject to section 13(5) of this Act, nothing in subsection (1)(b) \* \* \* \* of this section shall affect –

- [(a) the operation of the Loi (1926) au sujet du Transport de Marchandises par Mer;<sup>2</sup> or]
- (b) the operation of the Carriage by Air Act 1932, the Carriage by Air Act 1961 or the Carriage by Air (Supplementary Provisions) Act 1962<sup>3</sup> in 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.

## EXCLUSION, EXTENSION OR REDUCTION OF COMPENSATION IN CERTAIN CASES

**13.** \* \* \* \* \*

(4) The duty imposed by section \* \* \* 10 or 11 of this Act –

<sup>2</sup> Tomes IV–VI, page 589.

<sup>3</sup> Volume 1966–1967, pages 441 and 474.

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- (a) shall not impose any liability on the person subject to that duty with respect to injury or damage caused by an occurrence which constitutes a breach of that duty if the occurrence, or the causing thereby of the injury or damage, is attributable to hostile action in the course of any armed conflict, including any armed conflict within [Jersey]; but
- (b) shall [subject to section 16(2) of this Act] impose such a liability where the occurrence, or the causing thereby of the injury or damage, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.

[(5) Where, in the case of an occurrence which constitutes a breach of the duty imposed by section 10 of this Act, a person other than the person subject to that duty makes any payment in respect of injury or damage caused by that occurrence and –

- (a) the payment is made in pursuance of any of the following five international Conventions, that is to say, the draft Convention (setting out rules relating to bills of lading) of the International Conference on Maritime Law held at Brussels in October 1922, as amended in October 1923, the Convention for the unification of certain rules relating to international carriage by air concluded at Warsaw on 12th October, 1929, the Warsaw Convention as amended at the Hague in 1955, the Convention Supplementary to the Warsaw Convention held at Guadalajara in 1961 for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier and the Convention on the Contract for the international carriage of goods by road signed at Geneva on 19th May, 1956, or
- (b) the injury or damage was incurred in a country which is not a relevant territory and the payment is made by virtue of a law of that country and by a person who has his principal place of business in a relevant territory or is acting on behalf of such a person,

the person making the payment may make the like claim under this Act for compensation of the like amount, if any, not exceeding the amount of the payment made by him as would have been available to him if the injury in question had been suffered by him, or as the case may be, the property suffering the damage in question had been his.]

(6) The amount of compensation payable to or in respect of any person under this Act in respect of any injury or damage caused in breach of a duty imposed by section \* \* \* 10 of this Act may be reduced by reason of the fault of that person if, but only if, and to the extent that, the causing of that injury or damage is attributable to any act of that person committed with the intention of causing harm to any person or property or with reckless disregard for the consequences of his act.

#### PROTECTION FOR SHIPS AND AIRCRAFT

**14.-(1)** A claim under this Act in respect of any occurrence such as is mentioned in section \* \* \* 10 or 11 of this Act which constitutes a breach of a person's duty under section \* \* \* 10 or 11 of this Act shall not give rise to any lien or other right in respect of any ship or aircraft; \* \* \* and section 503 of the Merchant Shipping Act 1894 (which relates to the limitation of the liability of shipowners), shall not apply to that claim.

\* \* \* \* \*

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980**Bringing and satisfaction of claims*

## TIME FOR BRINGING CLAIMS UNDER SECTIONS 7 TO 11

**15.-(1)** Subject to subsection (2) of this section \* \* \* \*, but notwithstanding anything in any other enactment, a claim by virtue of [section 10 or 11] of this Act may be made at any time before, but shall not be entertained if made at any time after, the expiration of [ten] years from the relevant date, that is to say, the date of the occurrence which gave rise to the claim or, where that occurrence was a continuing one, \* \* \* \* the date of the last event in the course of that occurrence \* \* \* \* to which the claim relates.

(2) Notwithstanding anything in subsection (1) of this section, a claim in respect of injury or damage caused by an occurrence involving nuclear matter stolen from, or lost, jettisoned or abandoned by the person whose breach of a duty imposed by section \* \* \* \* 10 this Act gave rise to the claim shall not be entertained if the occurrence takes place after the expiration of the period of twenty years beginning with the day when the nuclear matter in question was so stolen, lost, jettisoned or abandoned.

## SATISFACTION OF CLAIMS BY VIRTUE OF SECTIONS 7 TO 10.

**[16.-(1)** A relevant operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence –

- (a) when the occurrence involves nuclear matter in the course of carriage and the claim is in respect of damage to the means of transport being used for that carriage unless the relevant law otherwise provides;
- (b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant law and has not been made available by means of a relevant contribution.

(2) A relevant operator shall not be required by virtue of section 12(1)(a) or 13(4)(b) of this Act to make any payment by way of compensation in respect of an occurrence if he would not have been required to have made that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant law.]

## JURISDICTION, SHARED LIABILITY AND FOREIGN JUDGMENTS

**17.-(1)** No court in [Jersey] shall have jurisdiction to determine any claim or question under this Act certified by the [Secretary of State] to be a claim or question which, under any relevant international agreement, falls to be determined by a court of some other relevant territory \* \* \* \*; and any proceedings to enforce such a claim which are commenced in any court in [Jersey] shall be set aside.

(2) Where under the foregoing subsection the [Secretary of State] certifies that any claim or question falls to be determined by a court [of a relevant territory], that certificate shall be conclusive evidence of the jurisdiction of that court to determine that claim or question.

[(3) Where by virtue of section 10 of this Act and of any relevant law, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in Jersey relating to that injury or damage including proceedings for the enforcement of a judgment registered under the Judgments (Reciprocal Enforcement) (Jersey)



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Law, 1960<sup>4</sup> both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage, provided that, where such liability is incurred as a result of an occurrence involving nuclear matter in the course of carriage in one and the same means of transport, the maximum total amount for which such persons shall be liable, apart from payments in respect of interest or costs, shall not exceed the highest amount required to be available by the relevant law, together with such amounts, if any, as fall to be made available by means of relevant contributions.]

(4) [Part II of the said Law of 1960] shall apply to any judgment given in a court of any foreign country which is certified by the [Secretary of State] to be a relevant foreign judgment for the purposes of this Act, whether or not it would otherwise have so applied, and shall have effect in relation to any judgment so certified as if in [Article 6 of that Law paragraphs] (1)(a)(ii), (2) and (3) were omitted.

(5) It shall be sufficient defence to proceedings in [Jersey] against any person for the recovery of a sum alleged to be payable under a judgment given in a country outside [Jersey] for that person to show that –

- (a) the sum in question was awarded in respect of injury or damage of a description which is the subject of a relevant international agreement; and
- (b) the country in question is not a relevant territory; and
- (c) the sum in question was not awarded in pursuance of any of the international conventions referred to in the [enactments] mentioned in section 12(4) of this Act.

(6) Where, in the case of any claim by virtue of section 10 of this Act, the relevant \* \* \* operator is the government of a relevant territory, then, for the purposes of any proceedings brought in a court in [Jersey] to enforce that claim, that government shall be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, \* \* \* \*, against the property of that government.

*Cover for compensation*

\* \* \* \* \*

**SUPPLEMENTARY PROVISIONS WITH RESPECT TO COVER FOR COMPENSATION  
IN RESPECT OF CARRIAGE**

**21.**–[(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 against any person by virtue of section 10 of this Act, then no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by the relevant law or which have been made available by means of a relevant contribution such as to prevent the satisfaction out of those funds up to an aggregate of £2,100,000 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.]

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<sup>4</sup> Volume 1957–1960, page 521.

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

(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 \* \* \* operator by virtue of section 10 of this Act, but by virtue of section [16(1)(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.

[(3) Where any nuclear matter is carried by, or on behalf of, or with the agreement of, a relevant operator in such circumstances that he may incur liability by virtue of section 10 of this Act, and he has pursuant to the relevant law provided the carrier with a document, issued by or on behalf of the person by whom there fall to be provided the funds required by the relevant law to be available to satisfy any claim in respect of the carriage in question, and containing the name and address of that operator and particulars of those funds, none of the contents of that document shall be disputed in any court by the person by whom or on whose behalf it was issued.]

\* \* \* \* \*

(5) The requirements of [the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948<sup>5</sup>] (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 for which any person is liable by virtue of section \* \* \* 10 of this Act.

*Miscellaneous and general*

**REPORTING OF AND INQUIRIES INTO DANGEROUS OCCURRENCES**

**22.-(1)** The provisions of this section shall have effect on the happening of any occurrence of any such class or description as may be prescribed, being an occurrence \* \* \* \* 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 \* \* \* \* 10 or 11 of this Act.

(2) The \* \* \* \* person aforesaid shall cause the occurrence to be reported forthwith in the prescribed manner to the [Committee] and to such other persons, if any, as may be prescribed in relation to occurrences of that class or description, and if the occurrence is not so reported the \* \* \* \* person aforesaid shall be guilty of an offence and be liable \* \* \* \*

- (a) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds;
- (b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

\* \* \* \* \*

(4) The [Committee] may at any time direct an inspector to make a special report with respect to the occurrence, and the [Committee] may cause any such report, or so much thereof as it is not in its opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as it thinks fit.

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<sup>5</sup> Tomes VII, page 483 and page 109 of this volume.

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

(5) The [Bailiff] may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of [the Schedule] to this Act into the occurrence and its causes, circumstances and effects; and any such inquiry shall be held in public except where or to the extent that it appears to the [Bailiff] expedient in the interests of national security to direct otherwise.

[(6) In this section “prescribed” means prescribed by Order of the Committee.]

## REGISTRATION IN CONNECTION WITH CERTAIN OCCURRENCES

**23.**-(1) Without prejudice to any right of any person to claim against any person by virtue of [section 10 or 11] of this Act, the appropriate authority may, on the happening of any occurrence in respect of which liability may be incurred by virtue of [either 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 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; \* \* \* \* \*

(2) In the foregoing subsection, the expression “the appropriate authority” means, in relation to any occurrence, [the Committee].

## INSPECTORS

**24.**-(1) The Committee may appoint as inspectors to assist in the execution of this Act such number of persons appearing to the Committee to be qualified for the purpose as the Committee 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 Committee may 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 –

\* \* \* \* \*

(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 [any] 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.

\* \* \* \* \*

(4) Any person who obstructs an inspector in the exercise of his powers under subsection (2)\* (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)\* (d) thereof shall be guilty of an offence and be liable \* \* \* \* \* to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both.

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

(5) Any person who, without the authority of the [Committee], discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable \* \* \* \* to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

\* \* \* \* \*

## OFFENCES – GENERAL

**25.-(1)** Where a body corporate is guilty of an offence under any of the provisions 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; \* \* \*

\* \* \* \* \*

[(3) Proceedings in respect of any offence under this Act shall not be instituted in Jersey except by or with the consent of the Attorney General for Jersey.]

## INTERPRETATION

**26.-(1)** In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say –

\* \* \* \* \*

["the Committee" means the Defence Committee of the States of Jersey;]

"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 or scientific 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, as may be excluded from the operation of the relevant international agreement by the relevant law;]

"home territory", in relation to a relevant \* \* \* 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;

"inspector" means an inspector appointed under section 24 of this Act;

\* \* \* \* \*

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

“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 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;

\* \* \* \* \*

[“occurrence” in sections 16 and 17(3) of this Act means, in the case of a continuing occurrence, the whole of that occurrence;]

\* \* \* \* \*

[“prescribed”, except in section 22 of this Act, means prescribed by regulations having effect in Great Britain which are registered in the Royal Court of Jersey;]

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

\* \* \* \* \*

- (d) a relevant \* \* \* 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;

“relevant \* \* \* contribution”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the government of any relevant territory \* \* \* \* towards the satisfaction of that claim;

“relevant foreign judgment” means a judgment of a court of a relevant territory other than [Jersey] which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories;

“relevant \* \* \* law” means the law of a relevant territory \* \* \* \* regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant \* \* \* operator, means the law such as aforesaid of his home territory;

“relevant \* \* \* \* operator” means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory \* \* \* \*;

“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

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

Majesty's Government therein are party, other than an agreement relating to liability in respect of nuclear reactors comprised in means of transport;

\* \* \* \* \*

“relevant territory” means a country for the time being bound by a relevant international agreement;

“territorial limits” includes territorial waters.

(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.

(3) Any question arising under this Act as to whether –

(a) any person is a relevant \* \* \* operator; or

(b) any law is the relevant \* \* \* law with respect to any matter; or

(c) any country is for the time being a relevant territory, shall be referred to and determined by the [Secretary of State].

(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.

\* \* \* \* \*

#### SHORT TITLE AND COMMENCEMENT

**30.-(1)** This Act may be cited as the Nuclear Installations Act 1965.

[(2) This Act, except for section 17(5), shall come into operation forthwith and section 17(5) shall come into operation by order of the Secretary of State.

(3) Any order made by the Secretary of State under the provisions of the last preceding subsection shall not come into force in Jersey until registered by the Royal Court.]

*[SCHEDULE]***INQUIRIES UNDER S. 22(5)**

1. An inquiry in pursuance of a direction under section 22(5) of this Act with respect to any occurrence shall be held by a competent person appointed by the [Committee], and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

[2. The Committee may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Committee may determine.]

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as “the Court”) shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power –

- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
- (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
- (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
- (e) to adjourn the inquiry from time to time; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the [Committee] such expenses as would be allowed to a witness attending [before the Royal Court].

6. The court shall make a report to [the Committee] stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and [the Committee] shall cause copies of the report, or so much thereof as it is not in its opinion inconsistent with the interests of national security to disclose, to be laid before [the States of Jersey].

*Jersey Order in Council 1/1981 Nuclear Installations (Jersey) Order 1980*

7. If any person –

- (a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any), to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or
- (b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to [the Royal Court and that Court] may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of [the Royal Court].

\* \* \* \* \*