

NUCLEAR
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This Bulletin includes a supplement

June 1984

Nuclear Energy Agency
Organisation for Economic Co-operation and Development



Pursuant to article 1 of the Convention signed in Paris on 14th December, 1960, and which came into force on 30th September, 1961, the Organisation for Economic Co-operation and Development (OECD) shall promote policies designed

- to achieve the highest sustainable economic growth and employment and a rising standard of living in Member countries, while maintaining financial stability, and thus to contribute to the development of the world economy,
- to contribute to sound economic expansion in Member as well as non-member countries in the process of economic development, and
- to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations

The Signatories of the Convention on the OECD are Austria, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The following countries acceded subsequently to this Convention (the dates are those on which the instruments of accession were deposited) Japan (28th April, 1964), Finland (28th January, 1969), Australia (7th June, 1971) and New Zealand (29th May, 1973)

The Socialist Federal Republic of Yugoslavia takes part in certain work of the OECD (agreement of 28th October, 1961)

The OECD Nuclear Energy Agency (NEA) was established on 20th April, 1972 replacing OECD's European Nuclear Energy Agency (ENEA) on the accession of Japan as a full Member

NEA now groups all the European Member countries of OECD and Australia, Canada, Japan and the United States. The Commission of the European Communities takes part in the work of the Agency

The primary objectives of NEA are to promote co-operation between its Member governments on the safety and regulatory aspects of nuclear development and on assessing the future role of nuclear energy as a contributor to economic progress

This is achieved by

- *encouraging harmonisation of governments' regulatory policies and practices in the nuclear field, with particular reference to the safety of nuclear installations, protection of man against ionising radiation and preservation of the environment, radioactive waste management and nuclear third party liability and insurance*
- *keeping under review the technical and economic characteristics of nuclear power growth and of the nuclear fuel cycle, and assessing demand and supply for the different phases of the nuclear fuel cycle and the potential future contribution of nuclear power to overall energy demand*
- *developing exchanges of scientific and technical information on nuclear energy particularly through participation in common services*
- *setting up international research and development programmes and undertakings jointly organised and operated by OECD countries*

In these and related tasks NEA works in close collaboration with the International Atomic Energy Agency in Vienna, with which it has concluded a Co-operation Agreement as well as with other international organisations in the nuclear field

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LEGISLATIVE AND REGULATORY ACTIVITIES

• *Belgium*

RADIATION PROTECTION

Amendment of the 1958 Act on protection against the hazards of ionizing radiation (1983)

The Act of 29th March 1958 on protection of the population against the hazards of ionizing radiation, amended by the Acts of 29th May 1963 and 3rd December 1969, has again been amended by an Act of 14th July 1983 (*Moniteur Belge* of 6th August 1983).

The amendments concern, in particular, the non-involvement of communal authorities in decisions taken under the Act, the inclusion of the concept of the environment as a complement to public safety, and the extension of the powers of officials responsible for supervising certain aspects of the transport of radioactive materials. Finally, a new Section has been added which empowers the King to suspend or cancel decisions by decentralised administrations which affect the transport of nuclear substances.

The consolidated text of the 1958 Act is reproduced in the "Texts" Chapter of this issue of the Nuclear Law Bulletin.

TRANSPORT OF RADIOACTIVE MATERIALS

1982 Orders on the training certificate for drivers of vehicles carrying radioactive materials

Four Ministerial Orders of 31st December 1982 (*Moniteur Belge* of 27th January 1983) fix the conditions for obtaining the ADR training certificate for driving transport vehicles which contain radioactive materials in cisterns and vessels.

One Order was amended by a Ministerial Order of 17th August 1983
(*Moniteur Belge* of 30th August 1983).

• *Canada*

REGIME OF NUCLEAR INSTALLATIONS

Atomic Energy Control Board policy and procedures on representations and appearances (1983)

The Atomic Energy Control Board (AECB), by issuing Regulatory Document R-76 on 17th May 1983, has taken the first formal steps in providing for participation by the public in the regulatory activities of the AECB. The Document implies a recognition of the important contribution made by the public in the fulfilment of the Board's regulatory responsibilities. It formalises a practice which allowed interested parties to make representations or appearances on matters relating to these responsibilities which include the development of regulations providing for the control of nuclear facilities and the regulation of their development and operation.

Public consultation in the regulations-development phase involves the mailing of advance notice and draft copies of all regulations under development by the AECB to interested persons who have previously entered their names on a mailing list. Comments are received and reviewed by the AECB staff, following which an amended version may be promulgated by Order-in-Council or the regulatory document may be issued directly by AECB.

The AECB regulates nuclear facilities through a multiple stage licensing process that includes site selection, the construction and operation of the facilities. For those interested in licensing actions the AECB makes available information regarding its schedule of future licensing actions as well as all final staff recommendations on licensing matters.

The submission of representations and the making of appearances are two opportunities for public participation afforded to those interested in licensing issues. The Regulations outline the procedures to be followed by those parties wishing to make either a representation or appearance and describe those factors to be considered in determining whether a representation is forwarded to the Board or whether an appearance is granted. The interested party is advised of the action taken on his request, which is first reviewed by AECB staff and then forwarded to the AECB President. All reviews and records of such actions are made available to the public thus allowing broad access to these decisions. Copies of documents received from interested parties are also sent to the licence applicant or licensee.

REGIME OF RADIOACTIVE MATERIALS

1983 Amendment of the Atomic Energy Control Regulations concerning industrial radiography

The proposed amendments to the Atomic Energy Control Regulations (see Nuclear Law Bulletin No. 29) were approved by the Government on 19th May 1983 (SOR/83-459, 20th May 1983). These amendments, revising the requirements respecting the use and possession of exposure devices for the purposes of industrial radiography and providing for a better regulatory regime, entered into effect on 1st August 1983.

1984 Amendment to the Physical Security Regulations of 1983

The Physical Security Regulations of 14th January 1983 which establish regulations concerning security systems, equipment and procedures at nuclear installations (see Nuclear Law Bulletin No. 31) were amended by the Government on 11th January 1984, in particular to take account of Canada's Charter of Rights and to provide for the security of certain information (SOR/84-81).

TRANSPORT OF RADIOACTIVE MATERIALS

Transport Packaging of Radioactive Materials Regulations (1983)

On 24th September 1983, the Government approved the proposed regulations made by the Atomic Energy Control Board (the Board) establishing requirements for packaging and safety marking of radioactive material preparatory to transport (see Nuclear Law Bulletin No. 29). The Regulations became effective on 1st November 1983 (SOR/83-740 of 12th October 1983).

Part I of the Regulations contains a general description of persons or situations to which the Regulations do not apply and provides for the transportation of radioactive material in non-conforming packages under certain circumstances. There are also provisions applying to the transport of radioactive material of limited activity and instruments or manufactured articles having as a component part radioactive material. Empty packages still contaminated by residual trace amounts of radioactive material are also subject to special transport requirements.

Packaging requirements for fissile material, radioactive material, specific activity material and low-level solid radioactive material are described in Part II. Part III sets out the general conditions which must be met before transportation and upon receipt of materials. It also contains sections relevant to non-fixed radioactive material as well as safety mark requirements.

The Regulations as well as the definitions contained therein are supplemented by reference to a series of annexed schedules. General design requirements for all types of packages and safety marks are set out in Schedules VII and VI, respectively. To be transported, radioactive material must be contained in Type B(M) or Type B(U) packages (Schedule IX), whereas Type A packages may be used for radioactive materials not exceeding activity levels as set out in Schedule I. Requirements for the transport packaging for fissile material are described in Schedule X and relevant limits for low specific activity material are provided in Schedule V. Schedules III and IV contain respectively the maximum permissible levels of non-fixed radioactive material and limits for radioactive materials in solid, liquid and gaseous form. Tested conditions of transport are described in Schedule II.

The Control Board is responsible for issuing package design approval certificates attesting that the design of a package meets the requirements of the Regulations but may, at the same time, impose limitations or conditions on the use or transport of the package in the interests of health, safety or security. The certificate is annulled if any limitation or condition is not complied with or satisfied.

For packages originating in foreign countries, the Board may issue an endorsement of a certificate issued by a competent authority in a foreign country that the design of a package meets requirements that are substantially equivalent to the requirements of the Regulations. Safety marks in accordance with the categories and requirements set out in the Regulations, must be affixed to any package, packaging or transport container containing radioactive material.

• *Finland*

RADIOACTIVE WASTE MANAGEMENT

1983 Decision in principle on nuclear waste management

This Decision in principle of 10th November 1983 on nuclear waste management fits in with the more general proposal for a complete revision of Finnish nuclear legislation (see Nuclear Law Bulletin No. 29). Already in 1978, a Decision in principle had been taken regarding the organisation of radioactive waste management, pending the adoption of new legislation (see Nuclear Law Bulletin No. 22).

The Council of State of Finland, in order to have the necessary resources to implement the nuclear waste management measures required from the viewpoint of safety, adopted this new Decision in principle. The Decision provides for three main objectives to be achieved in the areas of spent fuel management, reactor waste management and nuclear power plant decommissioning.

The Decision in principle is reproduced in the "Texts" Chapter of this issue of the Nuclear Law Bulletin.

● *France*

ORGANISATION AND STRUCTURE

1984 Decree amending the Decrees of 1970 and 1972 concerning the CEA

Decree No. 70-878 of 29th September 1970 as well as Decree No. 72-1158 of 14th December 1972 concerning the Atomic Energy Commission (CEA) have both been amended previously (see Nuclear Law Bulletin Nos. 11, 28 and 30).

The Decree of 24th August 1982, made in implementation of the Act of 15th July 1982 concerning the orientation and planning of technological development in France had amended both the above-mentioned Decrees to enable the CEA to discharge the duties the Act had assigned to public bodies involved in research. The Decree had in particular organised the CEA anew.

The Act of 12th July 1983 on public enquiries (see Nuclear Law Bulletin No. 32) has now required that the texts setting up the CEA be amended once again.

In implementation of this Act, Decree No. 84-279 of 13th April 1984 (published in the Official Gazette No. 90 of 14th April 1984) amends the decrees regarding, in particular, the designation of staff representatives and the duties of the CEA.

The main provisions are the following:

- the Board of Management will now include eighteen members (instead of nineteen), seven representatives of the State, including the Administrator-General, five experts and six elected staff representatives;
- in addition to the duties of the Board of Management defined by the Decree of 1982 which remain unchanged, this new Decree approves the opening of appropriations required for the achievement of the programmes,
- the Board of Management will henceforth meet six times a year and not four, and the terms of reference of its members have been extended from three to five years;

- the Atomic Energy Committee and the Joint Army-CEA Committee keep their duties, defined by the Decree of 29th September 1970 as amended, in accordance with the Act of 12th July 1983.

1984 Orders on the setting up of a Commission alongside the CEA in relation to radioactive waste management

An Order of 2nd March 1984 sets up a Commission responsible for scientific and technical aspects of radioactive waste management alongside the Scientific Board of the Atomic Energy Commission (CEA). A second Order, made on the same date, amends the Order of 7th November 1979 concerning the setting up, within the CEA, of a National Radioactive Waste Management Agency (ANDRA) (see Nuclear Law Bulletin Nos. 24 and 29). Both Orders were published in the Official Gazette on 21st March 1984.

These provisions follow from recent Government decisions to specify the different tasks implied by the long-term management of radioactive waste.

In connection with implementing waste storage operations, ANDRA's role remains unchanged, however, it seemed desirable to further strengthen research, development and assessment in the area of radioactive waste policy. These tasks are included in the CEA's responsibilities and are financed by its research budget.

To optimise the efficiency of research on waste, ANDRA's Scientific Board has been replaced by a Commission with a wider membership having extensive prerogatives and powers.

REGIME OF RADIOACTIVE MATERIALS

1984 Order on nuclear materials subject to declaration

This Order of 14th March 1984 concerns measures for the follow-up, containment, surveillance and physical protection of nuclear materials which must be declared (published in Official Gazette No. 80, NC, 2nd and 3rd April 1984).

The Order has been made in implementation of the Act of 25th April 1980 on the protection and control of nuclear materials and of the Decree of 12th May 1981 made under the Act (see Nuclear Law Bulletin No. 28).

In accordance with Section 9 of the 1981 Act, any person holding nuclear materials in a quantity which does not exceed the thresholds fixed by that Section need not apply for a licence to hold such materials but must nevertheless declare them to the Minister of Industry and must ensure that they are contained, supervised and physically protected in accordance with conditions to be fixed by an order.

The 1984 Order consequently prescribes the measures which are applicable to nuclear materials subject to a declaration. The initial declaration must identify the holder of the materials and his representative, the nature of the activities carried on and the place where the declared materials are held. The annual declaration indicates the quantities held throughout the past year and the estimated quantities for the year to come. This information must be supplied for each category of declared materials. The declaration must also describe the measures taken to ensure protection and control of the materials.

These declarations are sent to the Institute for Protection and Nuclear Safety (IPSN) which, under the authority of the Ministry of Industry, centralises the information and, where necessary, prescribes the conditions to be complied with by the holder of the materials, in implementation of the Order.

• *Federal Republic of Germany*

REGIME OF NUCLEAR INSTALLATIONS

1983 Guidelines for the assessment of the design basis of nuclear power plants having regard to accidents

On 18th October 1983, the Federal Minister of the Interior published Guidelines for the assessment of the design basis of nuclear power plants with pressurized water reactors having regard to accidents within the meaning of Section 28, paragraph 3 of the Radiation Protection Ordinance (*Bundesanzeiger* of 31st December 1983, No. 245a). The legal basis for the Guidelines lies in the above-mentioned Section of the Radiation Protection Ordinance (see Nuclear Law Bulletin Nos. 16 and 28) in connection with Section 7, paragraph 2 No. 3 of the Atomic Energy Act (see Supplements to Nuclear Law Bulletin Nos. 15 and 18).

The Atomic Energy Act provides that a licence for the erection and operation of a nuclear power plant may only be granted if, *inter alia*, every necessary precaution has been taken in the light of existing knowledge and technology to prevent damage resulting from construction and operation of the installation. In implementation of this general prerequisite for a reactor licence, the Radiation Protection Ordinance prescribes that the necessary precautions to prevent such damage can be considered as having been taken if the design basis takes into account those accidents (*Storfalle*) which are described in guidelines published by the Federal Minister of the Interior.

These Guidelines have now been published after lengthy deliberations and discussions. They are applicable to stationary nuclear power plants with pressurized water reactors for which the first partial construction licence has been granted after 1st July 1982.

• *Italy*

ORGANISATION AND STRUCTURE

1983 Bill on the creation of a National Civil Protection Service

The purpose of Bill No. 878 of 19th November 1983 proposing the creation of a National Civil Protection Service is to prevent, and to protect against, risks of accidents associated with certain industrial activities, including nuclear activities. The Bill is presently being discussed in the Chamber of Deputies.

The Health and Safety Directorate of the National Commission for Research and Development of Nuclear and Alternative Energy Sources (ENEA) will participate in the tasks to be performed by this Service, to be set up following Directive No. 82/501 of 24th June 1982 of the Council of the European Communities.

RADIATION PROTECTION

1983 Bill on revision of radiation protection legislation

The purpose of Bill No. 278 of 3rd November 1983 is to implement the revision of radiation protection standards in Italy, in accordance with Directive No. 80/836 of the Council of the European Communities dated 15th July 1980. This Directive had amended the basic standards on protection against ionizing radiations (see Nuclear Law Bulletin No. 26).

With this Bill, Parliament delegates the necessary powers to the Government to undertake this revision. The Bill is currently being considered by the Senate.

● *Sweden*

NUCLEAR LEGISLATION

1984 Act on Nuclear Activities

As a result of work undertaken by a special Committee appointed by the Swedish Government to carry out a general revision of Swedish nuclear legislation (see Nuclear Law Bulletin No. 31), the Act on Nuclear Activities (1984:3), as well as a supplementary Ordinance on Nuclear Activities (1984:14), entered into force on 1st February 1984.

The 1984 Act replaces the 1956 Atomic Energy Act as well as the 1977 Act on special permits to charge nuclear reactors with nuclear fuel (see Nuclear Law Bulletin No. 20) and the 1980 Act on Public Insight into the Safety Work at Nuclear Power Plants. The 1958 Act on Radiation Protection on the other hand remains basically unchanged (the Act, as amended by the Act of 14th December 1973, is reproduced in Nuclear Law Bulletin No. 14).

Like the 1956 Act, the 1984 Act is a safety legislation, which is based on a system of licensing, conditions and supervision. According to the fundamental provisions of the 1984 Act, nuclear activities should be conducted in such a way as to meet safety requirements and fulfil the obligations that follow from Sweden's international agreements for the purpose of preventing the proliferation of nuclear weapons.

As defined by the Act, "nuclear activity" means construction, possession or operation of a nuclear plant, i.e. reactors and plants for the recovery, production, handling, processing, storage or final storage of nuclear substances and waste. It also encompasses the acquisition, possession, transfer, handling, processing, transport of or other dealings with nuclear substances or waste. A licence is also required for the import of nuclear substances or waste.

This definition covers export of nuclear substances, products made from nuclear substances or goods containing such substances. The same applies to export of equipment or material that has been specially designed or prepared for processing, use or production of nuclear substances to the extent prescribed by the Government. Consequently, such export is subject to a licence. The Government may require an export licence for products which are not directly intended for but otherwise are of essential importance for the production of nuclear devices (so-called dual use products). A licence is also required, to the extent prescribed by the Government, for the transfer of technology, i.e. assignment or transfer of a right to manufacture outside Sweden certain equipment or material.

As already stated, the aim of the Act is to provide for safety in nuclear activities. Thus it is prescribed that safety shall be maintained by the adoption of whatever measures are required in order to prevent defects in

or malfunction of equipment, incorrect action or whatever else that might lead to a radiological accident or to prevent illicit dealings with nuclear substances or waste.

The Act contains provisions on conditions that may be included in licences and provisions concerning supervision. Conditions necessary for safety may be laid down when a licence is granted or during the period of validity of a licence. Supervision is exercised by an authority designated by the Government.

An important element in the Act is that each holder of a licence to own or operate a reactor shall ensure that such comprehensive research and development work is conducted as is required in order to handle and finally dispose of in a safe manner nuclear waste arising in the activity, and to decommission and to dismantle plants in a safe manner. The holder is obliged to prepare or have prepared a research programme which shall define the measures that are intended to be taken within a period of at least six years.

A licence to conduct a nuclear activity can be revoked if the stipulated conditions or directives have not been observed in some essential respect. It can also be revoked if the provisions concerning research and development are not observed and particular reasons for such revocation exist from the viewpoint of safety.

The supplementary Ordinance sets out a regulatory regime for the conveyance out of Sweden of equipment or material that has been specially designed or prepared for processing, use or production of nuclear substances or which is otherwise of essential importance for the production of nuclear devices. The Annex to the Ordinance sets out the list of such equipment or material whose export is subject to Government authorisation.

The full texts of the Act and the Ordinance are reproduced in the Supplement to this issue of the Nuclear Law Bulletin.

THIRD PARTY LIABILITY

1968 Nuclear Liability Act (revised)

The Nuclear Liability Act of 8th March 1968 (text reproduced in Nuclear Law Bulletin No. 2) was subsequently amended by an Act of 10th May 1974 (see Nuclear Law Bulletin No. 19) and more recently by an Act of 22nd December 1982. The 1982 Act entered into force on 1st April 1983, with the exceptions of Sections 1, 12 and 31: these Sections will enter into force on a day to be determined by the Government.

The amended 1968 Act increases the liability of an operator of a nuclear installation situated in Sweden from fifty million kroner for damage caused by any one nuclear incident to five hundred million kroner. In case of a nuclear incident occurring in the course of carriage of nuclear substances, the liability floor of the operator is increased to one hundred million kroner.

The 1968 Act, as amended by the 1974 and 1982 Acts, is reproduced in the "Texts" Chapter of this issue of the Nuclear Law Bulletin.

• *Switzerland*

NUCLEAR LEGISLATION

1984 Ordinance on definitions and licences in the atomic energy field

On 18th January 1984, the Federal Council approved a complete revision of the Ordinance of 17th May 1978 on definitions and licences in the atomic energy field (see Nuclear Law Bulletin Nos. 22 and 24). The new Ordinance (RS 732.11), which entered into force on 1st March 1984, repeals the 1978 Ordinance with the exception of Annexes 2 and 3 and concerns in particular, the licensing procedure for atomic installations as well as the import and export of products which are necessary for the peaceful use of nuclear energy

The Federal Order of 1978 concerning the Atomic Energy Act confers, in principle, competence on the Federal Assembly to make decisions concerning the construction of an atomic installation. It is the Federal Assembly which approves the general licence granted by the Federal Council. The general licence determines the site and the main aspects of a project. The construction and operating licences which follow specify in more detail the realisation of the approved project. With regard to the provisions which provide that a general licence is subject to the approval of the Federal Chambers and given the importance of the subsequent licences, this revision stipulates that the latter should be granted by the Federal Council instead of the Federal Department for Transport, Communication and Energy (DFTCE). Consequently, recourse to the Federal Council against decisions of the DFTCE is no longer possible.

In addition, the provisions granting the Federal Office of Energy competence to grant licences for the construction and operation of radioactive waste repositories were considered obsolete, given that it is the Federal Council which grants the licences for all preparatory measures for the repositories. Now, the Federal Council will also deliver the licences for their construction and operation.

The Ordinance regulates the export, import and transit of nuclear materials and equipment. It provides the basis for the execution of Swiss international agreements resulting from the Nuclear Non-Proliferation Treaty as well as from bilateral agreements with countries which are suppliers of nuclear materials. The controls and safeguards required for the export of nuclear equipment, as well as the description of those installations subject to export licences and the list of equipment concerned, is also provided by

this Ordinance. Continuing efforts on an international level to improve the nuclear weapons non-proliferation system have necessitated certain adaptations. Taking account of experience acquired over the last few years, technical specifications have been made and licensing criteria better defined. To cover apparent weaknesses in the international list of commodities subject to control, a new, essential element was introduced. It constitutes, together with the licensing procedure, an obligation to declare certain exports destined for enrichment or nuclear fuel reprocessing installations, as well as for heavy water production. This broadening of the control system for nuclear exports will allow the authority responsible for controls to obtain more detailed information regarding those activities which could affect Swiss international commitments concerning non-proliferation. Precise criteria will permit exporters to recognise in time that equipment with significant implications for nuclear export control, and will inform them as to the eventual licensing procedure or other export restrictions.

RADIATION PROTECTION

1983 Modification of the Radiation Protection Ordinance of 1976

On 28th November 1983, the Federal Council approved the modification of the Radiation Protection Ordinance of 30th June 1976 (see Nuclear Law Bulletin No. 18).

This Modification, which entered into force on 1st January 1984, allocates responsibility for radiation control among various governmental bodies. The Federal Office of Public Health is responsible for all radiation protection controls whenever they involve the protection of the public at large and the Accident Insurance Office is responsible for the protection of workers. Radiation control in nuclear installations is the responsibility of the Principal Division for the Safety of Nuclear Installations.

1983 Ordinance on emergency measures for the protection of population neighbouring nuclear installations

The above Ordinance (RS 732.23) was adopted by the Federal Council on 28th November 1983. This text lays down the measures to be taken to assure the security of the population concerned. It defines the tasks of the nuclear operator, the Federal services as well as those of the Cantons and Communes. The Ordinance fixes the exact allocation of the costs of the emergency organisation and alarm system. The Ordinance entered into effect on 1st January 1984.

These last few years have witnessed the establishment of an emergency procedure and an early warning system in the vicinity of Swiss nuclear power plants, the implementation of which owes a considerable amount to the collaboration of the Cantons and Communes. The system is ready to function in Zone 1 (that region within a periphery of 3 to 5 km of a power plant). The work is also completed for Zone 2 (a periphery of 20 km) for Beznau I and II, Gosen and Leibstadt power plants; the system should also be in place for the Muhleberg power plant by the end of 1984.

REGIME OF NUCLEAR INSTALLATIONS

1983 Ordinance concerning funds for the decommissioning of nuclear installations

On 5th December 1983, the Federal Council approved the above Ordinance (RS 732.013) which entered into force on 1st January 1984. This Ordinance establishes a fund for the financing of decommissioning activities which was provided for by the Federal Order of 1978 concerning the Atomic Energy Act (text of the Order is reproduced in Nuclear Law Bulletin No. 23, see also Nuclear Law Bulletin Nos. 29 and 31).

Because of the radioactivity of its components, the dismantling of nuclear power plants is expected to generate considerable costs. For Switzerland, these costs are estimated between 130 and 225 million Swiss francs per installation. These funds are destined to finance these operations. Nuclear operators are obliged to make annual contributions which are calculated to cover the costs which each one of them expects to encounter at the time of decommissioning. In addition, if the amount accumulated for any one installation is insufficient, the operators must contribute a subsidiary amount in order to make up the difference jointly.

The fund has legal personality and is administered by a commission whose decisions can be directly attacked before the Federal Tribunal. The Government appointed this commission on 29th February 1984 which includes, among its nine members, representatives of nuclear operators and the Confederation, as well as outside experts.

1983 Ordinance on the supervision of nuclear installations

The Federal Council adopted the above Ordinance on 14th March 1983 (RS 732.22) which entered into force on 1st April 1983. The Ordinance stipulates that the Principal Nuclear Safety Division (DSN) is the authority responsible for supervision in the field of nuclear safety and protection against radiation from nuclear installations. Its powers are delegated by the Federal Office for Energy. The latter may also transfer to certain other bodies some of the responsibilities and tasks of the supervisory authority.

THIRD PARTY LIABILITY

1983 Act on Nuclear Third Party Liability

On 5th December 1983, the Federal Council decided that the Act on Nuclear Third Party Liability, adopted by Parliament on 18th March 1983 (the text of the Act is reproduced in the Supplement to Nuclear Law Bulletin No. 32), would enter into force on 1st January 1984. As compared with legislation already in effect, the liability of the nuclear operator is reinforced. This liability is now unlimited and there is no exoneration even in case of an accident attributable to the fault of a third party, or as a

result of war or natural phenomena. For each installation, there must be private insurance coverage up to 300 million Swiss francs. The Confederation will guarantee damage above this amount and up to one thousand million Swiss francs. Persons incurring liability make contributions for this purpose to the Confederation.

At the same time, the Government approved an Ordinance concerning the above Act which specifies that the amount due to the Confederation will be triple the premium paid to private insurance (0.5 times this premium for small experimental reactors). These contributions will make up a special fund for nuclear damage.

• *Turkey*

REGIME OF NUCLEAR INSTALLATIONS

1983 Decree on the licensing procedure for nuclear installations

Decree No. 83/7405 of 18th November 1983 entitled "Decree pertaining to the issue of licences for nuclear installations" came into force on 19th December 1983 and supersedes Decree No. 7/9141 of 5th December 1974 on the same subject (see Nuclear Law Bulletin No. 15).

The general lines of the licensing procedure laid down by this new Decree are similar to that provided by the 1979 Decree; it is also carried out in three stages: site, construction and operating licences are delivered in succession. The procedure for obtaining licences for nuclear reactors differs slightly from that for nuclear fuel cycle facilities due to the specific characteristics of such installations.

The Turkish Atomic Energy Authority is the competent authority for the licensing of all nuclear installations.

NUCLEAR-POWERED SHIPS

1983 Decree on visits of foreign armed forces vessels in Turkish waters

Decree No. 83/7467 of 24th November 1983 lays down the principles and procedures for the visits of foreign armed forces vessels in Turkish harbours and inland waterways and was published in the Official Turkish Gazette of 15th December 1983. This new Decree supersedes a similar Decree of 27th December 1978 (see Nuclear Law Bulletin No. 26).

The Decree provides that applications for visits of nuclear-powered ships should be made through diplomatic channels to the Ministry of Foreign Affairs at least 90 days in advance. Following approval of such a visit by the Turkish Government, the conditions of the visit will be arranged by mutual agreement in writing between both Governments concerned.

• *United Kingdom*

NUCLEAR LEGISLATION

Nuclear Installations Act 1965, as amended (1983)

The Nuclear Installations Act 1965 was amended on several occasions and most recently by the Energy Act 1983 which modified the provisions dealing with nuclear third party liability (see Nuclear Law Bulletin Nos. 31 and 32).

A consolidated text of the 1965 Act is reproduced in the Supplement to this issue of the Nuclear Law Bulletin.

• *United States*

REGIME OF RADIOACTIVE MATERIALS

NRC proposes amendments to its regulations governing the export and import of nuclear equipment and material

On 1st March 1984, the Nuclear Regulatory Commission published proposed amendments to its regulations (10 CFR, Part 110) to expand significantly the authority of the public to export non-sensitive nuclear equipment and nuclear material under general licences (see Nuclear Law Bulletin No. 31).

The most important proposed general licence would permit the export of: 1) up to one effective gram of special nuclear material; 2) reactor components to specified countries; 3) up to 10 kilograms of source material, and 4) up to 50 kilograms of heavy water. The Commerce Department has adopted

similar general licensing provisions for nuclear-related commodities under its export licensing authority. As in the Commerce Department regulations, the proposed NRC general licences would contain provisions limiting their applicability, where appropriate, to non-sensitive end-uses.

THIRD PARTY LIABILITY

NRC/DOE reports to Congress on Price-Anderson provisions of the Atomic Energy Act

With the amendment of the Price-Anderson Act in 1975 and its extension from August 1977 to August 1987 (see Nuclear Law Bulletin No. 17; the text of the revised Act is reproduced in the Supplement to that issue), Congress added a new sub-section 170(p) which provides that the Nuclear Regulatory Commission (NRC) shall submit to Congress by August 1983, a report and detailed recommendations concerning the need for continuation or modification of Section 170.

In response to this Congressional requirement, the NRC, and the Department of Energy (DOE) whose contractor activities are indemnified under sub-section 170(d), submitted their reports to Congress in December and August 1983, respectively. Section I of the NRC report provides an overview of the Price-Anderson system of nuclear liability insurance and indemnity. Included in this overview is a concise history of the Price-Anderson Act and its amendments through the 1975 extension, as well as developments pertaining to nuclear insurance and indemnity since 1975. Section II addresses issues related to the need for continuation or modification of the Price-Anderson Act, such as the condition of the nuclear industry, the availability of private insurance, and the state of knowledge of nuclear safety. Section III considers other relevant issues, such as causality, proof of damages, governmental indemnity, and limit of liability. Section IV contains the Commission's conclusions and recommendations and Section V contains a bibliography.

The Commission concludes that, in view of the strong public policy benefits of ensuring the prompt availability and equitable distribution of funds to pay public liability claims, the Price-Anderson Act should be extended to cover future as well as existing nuclear power plants. It also recommends that the same amount, type, and terms of public liability protection should be provided for future and existing plants. The Commission further recommends that an annual limitation on liability be substituted for the present absolute limitation to minimize the potential for uncompensated losses by the victims of a commercial nuclear power plant accident and the potential need for additional financial contributions by the federal government to meet public liability claims. The Commission recommends that the maximum retrospective premium be increased from the present \$5 million per reactor per incident to \$10 million per reactor per incident per year until all claims are paid. Finally, the Commission recommends extension of the present twenty-year statute of limitations under the Act to thirty years, as well as retention of the present statutory language for the finding of an extraordinary nuclear occurrence to establish a definitive basis for valid claims and to conserve resources to pay for these claims.

The Price-Anderson system, as it applies to DOE, is centered around indemnity agreements between DOE and its contractors. DOE is authorized to enter into indemnity agreements with its contractors for activities under contract for the benefit of the United States involving "the risk of public liability for a substantial nuclear incident" /Section 170(d)7. Applicable DOE Procurement Regulations define the criteria DOE uses for determining when a specific contract involves such activities, and specify the details of the Price-Anderson indemnity. DOE authority to indemnify its contractors and other persons who may be liable for claims resulting from a nuclear accident arising out of DOE contractual activity is also due to expire in 1987. In its report to Congress, the DOE recommended continuation of the system as it applies to DOE contractors in substantially its present form. The DOE also recommended that the present Price-Anderson limit of liability in connection with DOE's contractual activities should be made equivalent to that provided for commercially licensed activities and that the Price-Anderson Act should be amended to extend the extraordinary nuclear occurrence (ENO) feature to include commercial and defence waste facilities.

CASE LAW

• *United States*

US SUPREME COURT UPHOLDS RULING BY SECOND CIRCUIT ALLOWING REGULATIONS GOVERNING HIGHWAY TRANSPORT OF RADIOACTIVE MATERIALS (1984)

On 27th February 1984, the US Supreme Court dismissed the appeal by the City and State of New York in "City of New York v. US Department of Transportation", 52 USLW 3625 (1984), letting stand the decision by the Court of Appeals for the Second Circuit that the US Department of Transportation (DOT) regulations regarding highway routing of nuclear materials are valid. The DOT regulations thus pre-empt the City's rule, which effectively banned the highway transport of spent fuel and other large quantities of radioactive materials through the city, unless the city obtains a non pre-emption ruling from DOT (see Nuclear Law Bulletin No. 32).

US SUPREME COURT ALLOWS DECISION OF SEVENTH CIRCUIT DECLARING ILLINOIS SPENT FUEL ACT UNCONSTITUTIONAL (1984)

The Supreme Court upheld the decision of the United States Court of Appeals for the Seventh Circuit that the Illinois Spent Fuel Act was unconstitutional in so far as it banned, within the State of Illinois, the transport, disposal, and storage of spent fuel generated outside of Illinois /Hartigan v. General Electric Company, 103 S. Ct. 1891 (1983)7. The Seventh Circuit had upheld the District Court ruling that the Act violated both the Commerce Clause and the Supremacy Clause of the US Constitution. Both lower courts found that the Act violated the Commerce Clause because it did not apply evenhandedly to the citizens of all States, and that it violated the Supremacy Clause because the Atomic Energy Act of 1954 creates a pervasive regulatory scheme, vesting in the Nuclear Regulatory Commission (NRC) exclusive authority to regulate the discharge of radioactive effluents from nuclear power plants, thereby pre-empting the State of Illinois (and any other state) from regulating such discharge (see "General Electric Co. v. Fahner" in Nuclear Law Bulletin No. 28)

US SUPREME COURT HOLDS THE ATOMIC ENERGY ACT DOES NOT PRE-EMPT THE
STATE-AUTHORISED AWARD OF PUNITIVE DAMAGES FOR CONDUCT RELATED TO
RADIATION HAZARDS (1984)

In a 5-4 decision rendered on 11th January 1984, the Supreme Court held that federal pre-emption of state regulation of the safety aspects of nuclear energy under the Atomic Energy Act does not extend to the state-authorized award of punitive damages for conduct related to radiation hazards (Silkwood v. Kerr-McGee). The Court of Appeals had held that punitive damages were pre-empted by federal law. The Supreme Court reversed, finding ample evidence that Congress had not intended to preclude the states from providing remedies under state tort law for persons suffering radiation-related injuries. Specifically, the legislative history of the Price-Anderson provisions of the Atomic Energy Act revealed that Congress had assumed that state tort law would apply. In addition, the Court found nothing in the legislation or the regulations to indicate that punitive damages were not to be allowed.

The Court noted that there was no conflict with federal law because requiring a licensee to pay both federal fines and state-imposed punitive damages did not appear to be physically impossible. Nor would it frustrate any purpose of the enforcement provisions of the Atomic Energy Act. Accordingly, the Court remanded the case to the Court of Appeals for further proceedings concerning the jury's award of punitive damages against Kerr-McGee

In two dissenting opinions, four members of the Court argued that allowing lay jurors to award punitive damages against federal licensees could significantly interfere with the Nuclear Regulatory Commission's regulation of conduct related to radiation hazards. These Justices believed that a distinction should be drawn between compensatory damages, which were not pre-empted, and punitive damages, which were pre-empted.

INTERNATIONAL ORGANISATIONS AND AGREEMENTS

INTERNATIONAL ORGANISATIONS

- *The OECD Nuclear Energy Agency*

APPLICATION OF THE PARIS CONVENTION TO INSTALLATIONS FOR THE DISPOSAL OF NUCLEAR SUBSTANCES

On 10th April 1984, the OECD Steering Committee for Nuclear Energy decided that "installations for the disposal of nuclear substances shall, for the pre-closure phase, be considered as 'nuclear installations' within the meaning of Article 1(a)(11) of the Paris Convention".

This Decision followed from the work undertaken in the context of the NEA studies on the legal, administrative and financial aspects of the long-term management of radioactive waste. The NEA's Group of Governmental Experts on Third Party Liability in the Field of Nuclear Energy was specifically requested to address the question of whether radioactive waste disposal activities were covered by the special regime of the Paris Convention.

The Group of Experts began their discussions by observing that at the time of the elaboration of the Paris Convention, the issue of disposal of radioactive waste had not been the subject of particular discussion and therefore the question of application of the Convention to this specific case was not considered.

The interest which now surrounds this issue as well as the technical developments which have intervened since the signing of the Paris Convention in 1960 led to a thorough examination of the Convention itself and the present

situation as concerns disposal facilities. It was clear to the Group of Experts that in the event of nuclear damage caused by radioactive waste at a disposal facility, the operator of the last installation in which the waste was located before the occurrence of the nuclear incident would be held liable for such damage. This would result from the fact that the operator of the disposal facility would not be considered an operator of a "nuclear installation" as defined by the Convention. Judging this situation to be unsatisfactory, the Group of Experts concluded that it would be desirable to bring these facilities within the ambit of the Paris Convention.

In looking at the issue of radioactive waste and in particular, methods for underground disposal, the Group of Experts distinguished two main phases which were defined as follows:

- 1) the operational or "pre-closure phase" of waste disposal which is understood to last for as long as operations are continued on the disposal site;
- 11) the passive or "post-closure phase" which is deemed to start when operations are completed, the repository closed and the waste no longer the subject of active surveillance.

As concerns operational phase activities, there did not seem to be any significant difference, from the point of view of liability incurred, with other activities of the fuel cycle such as factories for the processing of nuclear substances or storage facilities, already covered by the Paris Convention. In particular, those Articles dealing with the operator's liability, circumstances under which such liability may be transferred, compensation amounts, insurance or other financial security, prescriptive period, were judged to be quite adequate to regulate disposal activities.

In contrast, if the Paris Convention system were to be applied to the post-closure phase of disposal activities, problems of an entirely different nature would arise, in particular as concerns the prescriptive period in which to bring actions for compensation. This is so because of the very long time periods involved and the fact that the prescriptive period runs from the date the incident occurred. In fact, many of the Experts felt that given the nature of the risks and the time periods involved, the waste repository after closure should be placed under the responsibility of public authorities. If this were the case, then the only question arising in connection with the Paris Convention is how and when the operator's liability should be brought to an end.

In its report to the Steering Committee however, the Group of Experts expressly stated that in proposing to extend application of the Paris Convention to the pre-closure phase of waste disposal activities, they did not wish to prejudge the question of application to the post-closure phase which they recommended be the subject of further study.

Having decided to concentrate discussions on the pre-closure phase, the Group of Experts were of the opinion that the only provision of the Paris Convention which required modification was Article 1(a)(11) which defines "nuclear installation". Since disposal facilities are not expressly included

in this definition, the Group of Experts recommended that it be revised so as to make specific reference to these facilities.

In preparing the draft Decision extending applicability to disposal facilities, the term "nuclear substances" was preferred to the term "radioactive waste" so as to include irradiated nuclear fuel (other than natural or depleted uranium) as well as radioactive products or wastes in the scope of that Decision.

Article 1(a)(11) of the Paris Convention expressly provides that the Steering Committee may extend the definition of "nuclear installation" to include other installations in which nuclear fuel or radioactive products or waste are held. The Group of Experts agreed therefore that the modification of the definition could be made by way of a Decision of the Steering Committee. Article 16 of the Convention specifies that any such decision shall be adopted by mutual agreement of the members representing the Contracting Parties.

SYMPOSIUM ON NUCLEAR THIRD PARTY LIABILITY AND INSURANCE

The NEA and the IAEA will co-sponsor a Symposium on Nuclear Third Party Liability and Insurance to be held in Munich, Federal Republic of Germany, on 10th-14th September 1984.

The Symposium will provide an opportunity to review the fundamental principles of the regime of third party liability as embodied in the Paris Convention and Brussels Supplementary Convention, in particular, the nuclear operator's liability, the revaluation of compensation amounts, the present and future role of insurance and the concept of nuclear damage. The topics to be dealt with will also include the new problems created by the decommissioning of nuclear installations and the long-term management of radioactive waste. The discussions will also serve to generate awareness of the need to implement, as quickly as possible, the amendments to the Paris Convention and Brussels Supplementary Convention recently agreed to.

APPOINTMENT OF JUDGES OF THE EUROPEAN NUCLEAR ENERGY TRIBUNAL

On 7th June 1984, the OECD Council adopted a resolution appointing the judges for the fourth term of office of the European Nuclear Energy Tribunal.

The Tribunal, constituted in 1960 pursuant to the Convention on the Establishment of a Security Control in the Field of Nuclear Energy of 20th December 1957 is mainly competent to settle disputes between the Governments party to the Paris and Brussels Conventions on nuclear liability. (see Nuclear Law Bulletin Nos. 11 and 22).

The judges, appointed for a period of five years as of 7th June 1984,
are:

Mrs Luz Corretjer (Spain)

Mr. Mehmet Guney (Turkey)

Mr. Jens Christian Hauge (Norway)

Mr. Gunther Jaenicke (Federal Republic of Germany)

Mr. Giovanni Paleologo (Italy)

Mr. Declan Quigley (Ireland)

Mr. Paul Reuter (France)

• *International Atomic Energy Agency*

ADVISORY SERVICES IN NUCLEAR LEGISLATION (1984)

In follow-up to legislative assistance which the IAEA provided to Chile and Morocco in 1982 and 1983 respectively, further advisory services were provided to these countries in April and May this year. In the case of Chile (see Nuclear Law Bulletin No. 31), draft regulations for licensing radioactive and nuclear installations and for the physical protection of nuclear material and facilities have been prepared for consideration by the Chilean Nuclear Energy Commission. These draft regulations are respectively based on the relevant IAEA nuclear safety standards and guides, and on the IAEA recommendations for the physical protection of nuclear material (INFCIRC/225/Rev.1). In the case of Morocco, further work is being carried out to set up a comprehensive legislative framework and a regulatory structure to govern the implementation of a nuclear power programme.

NOTIFICATION TO THE IAEA OF EXPORTS AND IMPORTS OF NUCLEAR MATERIAL (1984)

It may be recalled that in July 1974, the Governments of the Union of Soviet Socialist Republics, the United Kingdom and the United States of America informed the IAEA that, in the interest of assisting the IAEA in its safeguards activities, these States had decided to provide it henceforth with information on exports and imports of nuclear material. Recently, on 16th February 1984, the French Government also made a similar notification to the IAEA.

According to these notifications (reproduced in documents INFCIRC/207 and INFCIRC/207 Add.1 respectively), the IAEA will be provided on a continuing basis with the following information:

- 1) With respect to the anticipated export of nuclear material (excluding exports of source material for non-nuclear purposes), in an amount exceeding one effective kilogram, for peaceful purposes to any non-nuclear-weapon State:
 - a) the organisation or company which will prepare the nuclear material for export;
 - b) the description, and if possible the expected composition and quantity, of nuclear material in the anticipated export;
 - c) the State and organisation or company to which the nuclear material is to be exported and, where applicable (i.e. in those cases in which nuclear material is processed further in a second State before retransfer to a third State), the State and organisation or company of ultimate destination.

The foregoing information will be provided normally at least ten days prior to export of the material; confirmation of each export, including actual quantity and composition and date of shipment, will be provided promptly after shipment;

- 2) With respect to each import, in an amount greater than one effective kilogram, of nuclear material which, immediately prior to export, is subject to safeguards, under an agreement with the IAEA, in the State from which the material is imported:
 - a) the State and organisation or company from which the nuclear material is received;
 - b) the description, composition and quantity of nuclear material in the shipment.

The information described above will be provided as soon as possible after receipt of the material.

In connection with the export of nuclear material and certain categories of equipment and material, the IAEA received, in January and February 1984, communications from the following Member States concerning their commitments under Article III, paragraph 2 of the Treaty on the Non-Proliferation of Nuclear Weapons: Australia, Canada, Czechoslovakia, Finland, the German Democratic Republic, the Federal Republic of Germany, Ireland, Japan, the Netherlands, Norway, Poland, Sweden, the Union of Soviet Socialist Republics, the United Kingdom and the United States (the communications are reproduced in INFCIRC/209/Mod.2).

These communications relate to the trigger list in the Guidelines on Nuclear Transfers (INFCIRC/254) and were made with a view to clarifying those parts of the list which refer to the gas centrifuge process (see Nuclear Law Bulletin No. 21).

FIFTH MEETING OF THE STANDING COMMITTEE ON CIVIL LIABILITY FOR NUCLEAR
DAMAGE (1984)

The Standing Committee on Civil Liability for Nuclear Damage held its fifth meeting at the IAEA Headquarters from 2nd to 3rd May 1984. The Committee was established by the Board of Governors in September 1963 to keep under review problems relating to the Vienna Convention of 21st May 1963 on Civil Liability for Nuclear Damage, which entered into force on 12th November 1977.

Participants and observers from twenty-six Member States and from the OECD/NEA and two insurance associations took part in the meeting which elected as its Chairman Mr. Mohammed Hawas, Alternate to the Resident Representative of Egypt to the International Organisations in Vienna.

Reports were presented by the participants and observers on the status and development of national legislation on nuclear third party liability, and by the Secretariat on the advisory services provided by the IAEA to developing countries in the elaboration of such legislation. The meeting was informed by the OECD/NEA representative of the amendments to the Paris Convention of 1960 and the Brussels Supplementary Convention of 1963 that were approved by the OECD Council on 16th November 1982.

As a result of its discussion of the need for, or desirability of, corresponding amendments to the Vienna Convention, the Standing Committee expressed the view that there was no major problem in the application of the Convention or in the use of its provisions as a basis for the elaboration of corresponding legislation in the Agency's Member States, in particular through the advice and assistance of the Agency as had been provided to several developing countries over the years. On the understanding that further accessions to the Convention might be expected in the near future and pending such developments, the Committee considered that there was no urgent need for recommending that a revision to the Convention be contemplated at this stage. It also agreed that as and when broader acceptance of the Convention has been achieved, it might be appropriate to revert to this matter, in particular with a view to bringing about greater harmonization in the simultaneous application of the two basic conventions on nuclear third party liability, namely the Paris Convention and the Vienna Convention, for the common benefit of the Contracting Parties to these Conventions.

One of the principal objectives of both Conventions is to define the liability to be imposed by law upon the operators of nuclear installations and to ensure that the necessary funds would be available at all times to meet compensation claims for nuclear damage. The meeting was informed by representatives of insurance associations that, as a result of a worldwide system of reinsurance among national insurance pools, there are now twenty-four countries which can provide insurance against nuclear liability risks, on a collective market basis. The capacity of each market varies greatly, ranging from US \$1 million to 85 million. Together, however, the insurance pools can provide up to US \$160 million, a capacity which is well beyond the statutory requirements of most countries. Only in the Federal Republic of Germany, Switzerland and the United States, at present, the legal limits on the compensation to third parties for nuclear damage are substantially in excess of such level. In these countries, either the State, or the State

together with the nuclear industry, assume responsibility for the margin between the commercially insurable amount and the maximum limit of liability established by law. In the USA, financial protection against a major nuclear occurrence is now available up to US \$585 million through such a system.

• *Euratom*

DECISION BY THE COUNCIL OF MINISTERS ON THE PROGRAMME OF THE ISPRA JOINT RESEARCH CENTRE (1983)

The Council, on the proposal of the Commission and after having heard the European Parliament and the Economic and Social Committee, adopted the new research programme for the Ispra Joint Research Centre on 22nd December 1983 (this decision was published in the Official Journal of the European Communities No. L3 of 5th January 1984). This programme covers 1984 to 1987 and concerns nuclear and non-nuclear research. The main aspects of nuclear research in this major programme are the following

- nuclear measurements and reference materials,
- technology and safety of nuclear fusion;
- fission research (reactor safety, radioactive waste management);
- safeguards and management of fissile materials,
- nuclear fuels and research on actinides

DECISION BY THE COUNCIL OF MINISTERS ON A RESEARCH PROGRAMME CONCERNING THE DECOMMISSIONING OF NUCLEAR INSTALLATIONS (1984)

On 31st January 1984, the Council of Ministers of the European Communities adopted a five-year research programme concerning the decommissioning of nuclear installations starting from 1st January 1984 (Official Journal of the European Communities No. L36 of 8th February 1984).

The aim of the programme is the joint development of a system of management of nuclear installations finally shut down and of the radioactive wastes produced in their dismantling which, at its various stages, will provide mankind and the environment with the best protection possible, the programme seeks to promote:

- A. Research and development projects concerning the following subjects
- Project No. 1: Long-term integrity of buildings and systems,
 - Project No. 2: Decontamination for decommissioning purposes;
 - Project No. 3: Dismantling techniques;
 - Project No. 4: Treatment of specific waste materials steel, concrete and graphite;
 - Project No. 5: Large containers for radioactive waste produced in the dismantling of nuclear installations,
 - Project No. 6: Estimation of the quantities of radioactive wastes arising from the decommissioning of nuclear installations in the Community;
 - Project No. 7: Influence of installation design features on decommissioning.
- B. Identification of guiding principles, namely:
- certain guiding principles in the design and operation of nuclear installations with a view to simplifying their subsequent decommissioning,
 - guiding principles in the decommissioning of nuclear installations which could form the initial elements of a Community policy in this field.
- C. Testing of new techniques under real conditions, within the framework of large-scale decommissioning operations undertaken in Member States.

AGREEMENTS

• *Belgium - F.R. of Germany*

AGREEMENT ON MUTUAL EMERGENCY ASSISTANCE (1980)

After ratification in the Federal Republic of Germany on 20th November 1982 of the Agreement of 6th November 1980 between the Federal Republic of Germany and Belgium on mutual assistance in the event of catastrophes or serious accidents (see Nuclear Law Bulletin No. 31), the Belgian Government has in turn ratified the Agreement on 17th January 1984.

The instruments of ratification having been duly exchanged on 21st March 1984, the Agreement entered into force on 1st May 1984.

• *France - United Kingdom*

AGREEMENT ON EXCHANGE OF INFORMATION IN CASE OF RADIOLOGICAL EMERGENCIES (1983)

By an exchange of Notes dated 18th July 1983, the Governments of France and the United Kingdom agreed to exchange information in the event of emergencies occurring in one of the two States which could have radiological consequences for the other State (published by Decree No. 83-982 of 8th November 1983 in the *Journal Officiel* of 16th November 1983 and in the United Kingdom Treaty series 9041, 60, 1983).

The Agreement provides for the setting up of alarm units in both countries and specifies the information to be exchanged, in particular, the time, date, place, nature and cause of the event creating the emergency. The system set up for a mutual exchange of information should operate round the clock in case of an emergency requiring such information exchange.

The Agreement came into force on the date of the exchange of Notes.

• *F.R. of Germany - Brazil*

EXTENSION OF 1978 AGREEMENT ON EXCHANGE OF TECHNICAL INFORMATION AND CO-OPERATION IN NUCLEAR SAFETY (1983)

By an exchange of letters dated 30th May/27th July 1983, the Agreement between the Federal Republic of Germany and Brazil on exchange of technical information and co-operation in nuclear safety, signed on 10th March 1978 (see Nuclear Law Bulletin No. 23), which remained in force until 9th March 1983, has been extended for another five years (*Bundesgesetzblatt* 1983 II, p. 685). It shall be tacitly renewed for five-year periods unless six months' notice of termination has been given by either Party.

• *F.R. of Germany - Switzerland*

1982 AGREEMENT ON MUTUAL INFORMATION ABOUT NUCLEAR INSTALLATIONS IN BORDER AREAS

The Federal Minister of the Interior has published an Agreement of 10th August 1982 between the Government of the Federal Republic of Germany and the Government of the Swiss Confederation on mutual information about the construction and operation of nuclear installations in the border area (*Bundesgesetzblatt* 1983 II, p. 734).

The Agreement provides for information concerning the site, construction, operation, and material alteration of nuclear installations which are situated in a 20 km zone on each side of the common border. In particular, it creates a German-Swiss Commission for the Safety of Nuclear Installations as a standing body to implement the Agreement.

• *United States*

1983 AGREEMENTS IN THE NUCLEAR FIELD

Co-operation Agreements with Norway and Sweden

Agreements for co-operation in the peaceful uses of nuclear energy between the United States and Norway, the United States and Sweden were completed in June 1983. These Agreements were approved by the President, and were submitted to Congress on 6th February 1984. As the sixty-day period for Congressional review has expired, the Agreements will shortly be brought into force.

Technical Assistance Agreements under the 1982 Nuclear Waste Policy Act

Pursuant to requirements of the Nuclear Waste Policy Act of 1982, the United States formally offered technical assistance to non-nuclear weapons states in the field of spent nuclear fuel storage and disposal. A notice of this offer was published in the Federal Register on 30th March 1983 (48 FR 13253).

DOE CO-OPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS IN THE NUCLEAR FIELD (1983-1984)

The United States Department of Energy (DOE) has recently concluded the following co-operative research and development agreements in the nuclear field:

DOE-CEA (France)

On 22nd April 1983, DOE and the *Commissariat à l'Énergie Atomique* of France (CEA) concluded a Memorandum of Understanding Concerning Research and Development in the Field of Physical Protection of Nuclear Materials and Facilities. Specific tasks in the areas of personnel access control, intrusion detection, and special nuclear material monitoring have been proposed by the technical Agreement in the field of radioactive waste management, and on 7th October 1983 the two Parties signed, pursuant to the Agreement, a statement of intent to co-operate at the DOE West Valley Demonstration Project in New York State in the areas of preparation and packaging of high-level radioactive waste and decontamination and decommissioning of hardware and facilities at West Valley.

DOE-SSTC (People's Republic of China)

A Protocol between the State Science and Technology Commission of the People's Republic of China and the DOE on Co-operation in the Fields of Nuclear Physics and Magnetic Fusion Research was concluded on 11th May 1983, pursuant to a 31st January 1979 Agreement between the two Governments on Co-operation in Science and Technology.

DOE-UKAEA (United Kingdom)

On 22nd May 1983, the DOE and the United Kingdom Atomic Energy Authority (UKAEA) concluded a Specific Memorandum of Agreement in the area of Measurement of Residual Fuel in Liquid Metal Fast Breeder Reactors (LMFBR) Head-End Wastes. The DOE and UKAEA will carry out a joint experimental and analytical programme to investigate the performance of a system for the measurement of residual fuel in LMFBR head-end waste arisings, and to exchange information on plant performance during routine reprocessing procedures.

DOE-PNC (Japan)

DOE has concluded three Agreements with the Power Reactor and Nuclear Fuel Development Corporation (PNC) of Japan in the field of LMFBR, one for the study of the nuclear criticality aspects of fuel fabricating facilities (12th August 1983), one for the exchange of information and personnel on the DOE's Clinch River Breeder Reactor Project and the PNC's MONJU Project (30th September 1983), and for collaboration on LMFBR safety design criteria (13th January 1984).

● *International Atomic Energy Agency*

SAFEGUARDS AGREEMENT

The Board of Governors approved in February 1984 an Agreement to be concluded between the IAEA and Nauru for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. Nauru acceded to the Treaty in 1982.

MULTILATERAL AGREEMENTS

• *Belgium - France - F R. of Germany - Italy - United Kingdom*

MEMORANDUM OF UNDERSTANDING FOR CO-OPERATION IN THE FIELD OF LIQUID METAL FAST REACTORS (1984)

On 10th January 1984, the Governments of Belgium, France, the Federal Republic of Germany, Italy and the United Kingdom signed a Memorandum of Understanding for Co-operation in the Field of Liquid Metal Fast Reactors.

In the framework of closer co-operation in the peaceful development of nuclear energy between the Member States of the European Communities, this Agreement aims to harmonize research and development efforts in the field of fast reactors by means of exchanges of information and know-how and by promoting industrial co-operation and collaboration among electricity utilities. The Netherlands, as an active member of existing European collaboration in this field, is invited to join this Agreement and participation by other countries is also foreseen.

The Memorandum of Understanding contains an Annex which specifies the agreements foreseen on research and development, industrial co-operation and industrial property. Fuel cycle arrangements and collaboration between utilities are also referred to in the Annex.

The Memorandum of Understanding which came into force on the day of its signature by the Participants states their intention to collaborate on a long-term basis.

• *Portugal*

RATIFICATION OF THE 1982 PROTOCOL TO AMEND THE PARIS CONVENTION

The Protocol to amend the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy was adopted on 16th November 1982 (see Nuclear Law Bulletin Nos. 24 and 30).

Portugal deposited its instrument of ratification of the Protocol on 28th May 1984, thus becoming the second Contracting Party, after Sweden, to ratify the text (see Nuclear Law Bulletin No. 31).

Under the Paris Convention, the amending Protocol will enter into force following ratification by two-thirds of its Contracting Parties.

• *International Atomic Energy Agency*

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

On 22nd February 1984, Australia signed the Convention on the Physical Protection of Nuclear Material at the IAEA Headquarters in Vienna. In addition, Bulgaria deposited its instrument of ratification of the Convention on 10th April 1984 and Hungary, on 4th May 1984. The Convention has thus been signed to date by 37 States and the European Atomic Energy Community, and it has been ratified by ten States (see Nuclear Law Bulletin No. 32).

TEXTS

• *Belgium*

ACT OF 29TH MARCH 1958 RELATING TO THE PROTECTION OF THE POPULATION AGAINST THE HAZARDS OF IONIZING RADIATION AS AMENDED*

Section 1

For the purposes of this Act, "ionizing radiation" means radiation which induces direct or indirect ionization of matter exposed to it, and "radioactive substances" means substances constituted by any element emitting ionizing radiation or containing such an element.

Section 2

The King, to the exclusion of the commune authorities, may impose conditions for the protection of public health and of the environment on the import, production, manufacture, possession, transit, transport, offer for sale, sale, assignment whether for valuable consideration or free of charge, distribution and use for commercial, industrial, scientific, medical or other purposes, of apparatus or substances capable of emitting ionizing radiation.

He may also, for the same purpose, regulate the removal and disposal of radioactive substances.

The King may establish levies payable to the State or to approved supervisory bodies to cover in whole or in part the administrative, control and inspection costs resulting from the application of the provisions adopted in implementation of this Act. He shall fix the amount and the means of payment of such levies. Regulations adopted under this paragraph shall be counter-

*This Act was published in the *Moniteur Belge* (Official Belgian Gazette) of 30th April 1958. It was amended by the Acts of 29th May 1983 (MB of 26th June 1963), 3rd December 1969 (MB of 6th January 1970) and 14th July 1983 (MB of 6th August 1983).

signed by the Minister of Labour and Employment, the Minister of Public Health and the Minister for Economic Affairs.

Section 3

When an unforeseen occurrence endangers the health of the population and the environment, the King may, to the exclusion of the commune authorities, take all measures necessary in the circumstances with regard to the producers, manufacturers, possessors, transporters and users of apparatus or substances capable of emitting ionizing radiation, for the protection of the population and the environment.

The King, to the exclusion of the commune authorities, may also, in the same circumstances and for the same reasons, prescribe appropriate measures to deal with the hazards that could result from the accidental contamination by radioactive substances of any area, materials or products.

Section 4

Without prejudice to the powers vested in officers of the *police judiciaire*, the King shall, except in the cases specified in the second paragraph of this Section, designate the persons responsible for supervising the implementation of regulations made pursuant to Sections 2 and 3.

The Minister of Defence shall designate the persons entrusted with the same tasks:

1. on military property;
2. in all other places designated by the Minister where apparatus or substances capable of emitting ionizing radiation and intended for use by the armed forces are produced, manufactured, held or used,
3. during any transport of such apparatus or substances ordered by the Minister.

Section 4 bis

Only persons authorised to do so may transport apparatus and substances described in Section 2. Authorisation shall be regulated by the King.

Section 5

Offences shall be noted by these persons in reports which shall establish a presumption of guilt.

The said persons shall have free access at all times, in accordance with the distinction laid down in Section 4, to factories, repositories, hospitals, and, more generally, all places where apparatus or substances

capable of emitting ionizing radiation are produced, manufactured, held or used.

They may seize apparatus or substances which appear to have been produced, manufactured, held, transported or used in circumstances which do not conform to the provisions of the Act or regulations made in implementation of it.

In such cases, they may of their own accord and independently of any legal action, take all appropriate steps to render harmless the sources of ionizing radiation which would appear to constitute a hazard for the health of the population and the environment.

They may, with regard to means of transport and packaging which do not conform with the provisions of the regulations implementing this Act, take all emergency measures required, and in particular forbid their use, seal them off or confiscate them.

Any such measures shall cease to have effect after a period of ten days unless they have been confirmed within this time by the official in charge of the service to which the official who first took them belongs. The person who committed the offence shall be heard before any such confirmation.

Section 6

Sections 4 and 5 shall not affect in any way the application of the Act on national security in the field of nuclear energy nor of any regulations made in implementation of that Act.

Section 7

Persons guilty of an offence under this Act or any regulations made in implementation thereof shall be liable to a fine of between 1,000 francs and 10,000 francs, or to imprisonment for a term of between three months and two years, or to both.

Persons guilty of impeding those described in Section 4 in the carrying out of their duties shall be liable to the same punishment.

Section 8

All the provisions of Book One of the Penal Code, including Chapter Chapter VII and Article 85, shall apply to offences under this Act and its implementing regulations.

Section 8 bis

The King may, at any time, suspend or revoke decisions of local authorities which have a direct or indirect effect on the transport of radioactive substances or apparatus containing such substances.

Section 9

The regulations to be adopted in implementation of this Act shall be discussed in the Council of Ministers.

• *Finland*

DECISION IN PRINCIPLE OF 10TH NOVEMBER 1983 BY THE COUNCIL OF STATE OF FINLAND ON THE OBJECTIVES TO BE OBSERVED IN CARRYING OUT RESEARCH, SURVEYS AND PLANNING IN THE FIELD OF NUCLEAR WASTE MANAGEMENT*

1. In order to obtain adequate capabilities to carry out nuclear waste management measures, timely, and in accordance with the safety requirements, the following objectives shall be observed in carrying out the research, survey and planning activities required for the nuclear waste management of the nuclear power plants currently in operation in Finland.

1.1 Spent fuel management

In dealing with spent fuel, international central repositories should be made use of where possible because the total amount of spent fuel arising from the operation of the domestic nuclear power plants will remain small. The aim continues to be achievement of contractual arrangements through which the reprocessing waste or spent fuel can be transferred and disposed of irrevocably outside the domestic territory. However, in the case of spent fuel for which this kind of contractual arrangement is not achieved, the licensees must provide preparedness for carrying out final disposal in Finland in a safe and environmentally acceptable way.

In providing preparedness for final disposal in the domestic territory, the basic assumption shall be that spent fuel after being removed from a reactor will be stored on an interim basis until disposal in a final repository becomes topical from about the year 2020.

Detailed and thoroughgoing studies and plans regarding interim storage must be available by the end of the year 1984 to make it possible, if necessary, to construct and put into use the storage facilities.

Providing preparedness for the final disposal of spent fuel must proceed in such a way that one suitable site where the final repository can be constructed, if so decided, has been selected by the end of the year 2000

*Unofficial translation by the Finnish Ministry of Trade and Industry

In addition, in selecting the site, in engineering design of the repository and in carrying out the research and surveys needed for safety assessments, the following time schedule of successive targets has to be followed:

- by the end of the year 1985, on the basis of the available geological and other relevant scientific information a survey must be drawn up, for use in the preliminary site investigations, of a number of feasible areas. By the same date the technical plans relating to disposal of spent fuel must be complemented and updated;
- by the end of the year 1992, the preliminary site investigations must be performed in these areas to single out, for detailed investigations, the most appropriate ones among them, complementing, by the same date, the technical disposal plan in the light of the information received from the various site alternatives that have come up,
- by the end of the year 2000, detailed site investigations must be carried out in the areas concerned, on the basis of which one site acceptable from the points of view of safety and environmental protection requirements shall be selected and for which a technical disposal plan shall be drawn up.

By the end of the year 2010 the licensees shall be prepared to submit to the regulatory authorities the plans of the repository and of the encapsulation facility on the basis of which the construction licences can be granted.

1.2 Management of reactor waste

In planning the management of intermediate or low level waste it must be assumed that conditioning, storage and final disposal of all wastes accumulated will take place in Finland. All the operations must meet the safety and environment protection requirements.

Regarding the final disposal of reactor waste, the research and planning shall be continued in accordance with the preliminary plans already made. By the end of the year 1986, the necessary plans with safety assessments concerning the construction of repositories must be submitted to the regulatory authorities, whereby the repository has to be completed for putting it into use, if necessary, by the end of the year 1992.

1.3. Decommissioning of nuclear power plants

The licensees shall continuously maintain and develop a decommissioning plan, according to which all radioactive materials can be dismantled, conditioned and removed either to an interim storage facility or a final repository. The plan must be submitted to the regulatory authorities for review at five-year intervals. The next report shall be furnished by the end of the year 1987.

The licensees must provide preparedness for the disposal of the decommissioning waste in the reactor waste repository and/or the spent fuel repository.

2. The licensees shall jointly or severally submit annually to the Ministry of Trade and Industry for review a research programme intended to be carried out during the next calendar year, as well as an activity report on the research work carried out in the previous year. Copies of the programme and the activity report shall be sent to the Ministry of the Environment and the Finnish Centre for Radiation and Nuclear Safety - STUK (formerly the Institute of Radiation Protection) for information. The annual programme must be accompanied by a preliminary description of the research programme for the next five years. The Ministry of Trade and Industry may even decide upon some other interval than one year for the submission of plans and reports

3. This Decision and the objectives stated therein are subject to eventual modification if justified by a change in the extent of nuclear waste management activities, or by the results obtained from the R & D work, or by the general progress in the fuel cycle services or in waste management technology. Decisions about the application of the time schedule set out in this Decision to new nuclear power plants that may be put into operation in the future will be made by the Ministry of Trade and Industry.

4. The cost of research, investigations and planning provided for by the Decision in the field of nuclear waste management shall be borne in accordance with Section 5(1) of the Atomic Energy Act (356/1957) by the owners of respective plants or reactors.

STUDIES AND ARTICLES

ARTICLES

NUCLEAR LIABILITY INSURANCE - THE PRICE-ANDERSON REPARATIONS SYSTEM AND THE CLAIMS EXPERIENCE OF THE NUCLEAR INDUSTRY*

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There are two nuclear liability insurance pools operating in the United States, American Nuclear Insurers and Mutual Atomic Energy Liability Underwriters. They are the only sources of nuclear liability insurance, and they co-operate to provide the nuclear industry the maximum amount of nuclear liability insurance available from the worldwide insurance market. The combined amount of insurance they offer is determined by the commitments to assume risk, these commitments are received from two sources: 1) property and casualty insurance companies licensed to operate in the United States, and 2) foreign reinsurers that reinsure part of the risk. At present, about 275 licensed insurance companies are members of the two insurance pools. Foreign reinsurance is provided principally by similarly structured nuclear insurance pools in 17 countries, Lloyds of London, and about 50 insurance companies.

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REVIEW OF THE PRICE-ANDERSON REPARATIONS SYSTEM AND THE AMOUNT OF NUCLEAR LIABILITY INSURANCE PRESENTLY AVAILABLE

Under the Price-Anderson reparations system (1) initiated in 1957, the operator of a nuclear power reactor was required to maintain financial protection against nuclear liability for the consequences of a nuclear accident equal to the amount of nuclear liability insurance available from private sources at reasonable prices and on reasonable terms. Although means other than the purchase of insurance can be used to satisfy this requirement, all licensees have chosen to satisfy it by the purchase of nuclear liability insurance from the pools. Liability of the licensee (or of anyone else responsible for a nuclear accident) exceeding the amount of insurance was assumed by the federal government for a fee paid by the reactor operator. The amount of insurance available in 1957 was \$60 million, and the amount of protection assumed by the government for losses in excess of this sum was \$500 million. The law provided that no one was liable for the losses in excess of \$560 million (2,3). The purposes of the law were to provide funds to protect the public should it suffer injury or damage due to a nuclear incident and to encourage industry to develop nuclear power by limiting its liability for possible nuclear injury or damage to the public.

The amount of indemnity provided by the government decreased as the amount of private insurance increased. The goal was to eliminate the government's indemnity role by regularly increasing the amount of insurance until it reached \$560 million.

By 1973 the pools had increased their capacity to \$95 million at each insured location, with the government's indemnity role being reduced to \$465 million. Substantial pressures from the Congress, the public, and the nuclear reactor operators were exerted to substantially reduce the government's indemnity role. The Joint Committee on Atomic Energy urged development of a programme to accelerate replacement of indemnity with private resources. Nuclear critics labelled the indemnity programme a *subsidy* to the nuclear industry, although no funds had ever been paid by the government and the government had received fees at that time totalling in excess of \$10 million from reactor operators for indemnity protection.

During 1973 several ideas were advanced from various sources to accelerate increases in the amount of nuclear liability insurance that would simultaneously decrease the exposure of the government under its indemnity programme. In December 1973 the pools advanced their own proposal for a comprehensive programme representing a fundamental change in the Price-Anderson programme by drawing on some of the ideas being considered and adding to them (4).

Plan Proposed by the Pools

The essential elements of the pools' proposal follow:

- The NRC would continue to require reactor operators to provide financial protection that could be satisfied by the purchase of insurance, which would be *primary* insurance.

- The Price-Anderson Law would be modified to require reactor operators to participate in a programme to provide a second layer of insurance which would supplement the primary insurance.

- Losses in the second layer of insurance would be paid by reactor operators from their own resources subject to a maximum amount.

- The pools would issue an additional insurance policy with a limit of liability equal to the total obligations of all reactor operators to pay such loss, and the pools would implement the provisions of the policy.

- Should some reactor operators fail to make timely payments to compensate for loss, the pools would undertake a limited responsibility to make such payment, with the federal government being responsible for deficiencies beyond this.

- Because the government's potential liability under its indemnity programme would be greatly reduced by the large increase in private insurance, the fee charged by the government to reactor operators for indemnity should be reduced.

Very extensive examination of the pools' proposal along with other contemplated changes in the Price-Anderson reparations system was made by the nuclear industry, public interest groups, and Congress during 1974 and 1975. This was done as a part of the review process for determining if the Price-Anderson Law, due to expire in 1977, should be renewed.

On 31st December 1975, Congress passed legislation (5) extending the Price-Anderson Law to include reactors licensed up to 1st August 1987. This legislation implemented the pools' proposal with slight modification to reflect some of the comments made during the second year it was examined.

How the Price-Anderson Reparations System Operates Today

As the result of the legislative changes (5) enacted by Congress in 1975, there is a primary and an excess layer of nuclear liability insurance. The pools presently provide \$160 million of insurance in the primary layer, which is their aggregate liability for all loss (including loss expense) from one insured location. All loss in the primary layer is paid from the resources of insurers.

The pools also issue a policy that provides excess nuclear liability insurance. All loss (including loss expense) in this layer is paid from the resources of power reactor operators licensed to operate by the Nuclear Regulatory Commission (NRC). Each such licensee is liable for its pro rata share of loss in the excess layer up to \$5 million for one nuclear incident and not to exceed \$10 million in any one year should there be more than one accident. The pools assume a limited contingent liability not to exceed \$30 million for one accident to make funds available to pay loss in the excess area should a reactor operator fail to pay its pro rata share of loss when it is due. Should a reactor operator default in such payment, the pools would pay and then recoup any payments made from the reactor operator in default.

At present, 82 power reactors, licensed to operate by the NRC, are included in the programme. The participating licensee of each reactor is responsible for up to \$5 million of loss caused by one accident for a total of \$410 million of nuclear liability insurance. This supplements \$160 million of primary insurance provided by insurers from their own resources. The total of \$570 million of protection from private sources has eliminated the government's direct indemnity role under the Price-Anderson Law.

Three other changes included in the bill enacted by Congress on 31st December 1975, are worth noting here. First, the limit of liability, which had been fixed at \$560 million, was modified so that as the amount of protection from private sources rose to exceed \$560 million, the limit on liability would rise to equal the increased sum (6). Second, if the aggregate liability resulting from an accident exceeds the amount of financial protection, the Congress obligated itself under the revised law to review the event and take whatever action it deems necessary and appropriate to protect the public (6). This does not obligate the Congress to appropriate funds, but it ensures that the needs of those adversely affected by an accident will be carefully considered. Third, as a result of legislation (7) enacted in 1966, most legal defences are waived by defendants to expedite and facilitate recovery by claimants who sustain injury or damage from the nuclear energy hazard as the result of an *extraordinary nuclear occurrence*. An extraordinary nuclear occurrence is a nuclear accident in which significant quantities of nuclear material are discharged from a reactor site and cause injury or property damage to the public. Both the amount of nuclear material discharged and the injury or damage resulting from it must meet or exceed criteria established by the NRC for an accident to qualify as an extraordinary nuclear occurrence (8). In such circumstances, the 1966 legislation prescribed the waiver of the defence of the statute of limitations, provided that the suit is instituted within three years of the time the claimant knew or could have known of his injury or damage, but in no event more than ten years after the date of the nuclear incident. That ten year period was extended to 20 years by the new law (9). A claimant also received the benefit of any longer period of limitation available to him under state law.

During the second half of 1982, the NRC began preparing a report to the Congress for the purpose of assessing the need for continuation or modification of the Price-Anderson Law. If not renewed, the Price-Anderson reparations system will not apply to licensees who receive construction permits after 1st August 1987.

The NRC report to Congress is expected to be submitted in the fall of 1983. Although it is difficult to anticipate what action the Congress will take regarding the renewal of the Price-Anderson Law, most likely the present maximum assessment of \$5 million for each licensed power reactor for loss in the excess layer will be increased. In congressional hearings in 1980 on proposed legislation to amend the Price-Anderson Law, representatives of Edison Electric Institute indicated on behalf of its members that an increase in the assessment to a maximum of \$10 million for each power reactor was acceptable (10).

Digest of Nuclear Liability Claims

A substantial change in the nuclear liability loss experience of the pools has occurred since 1975. One event, the accident at Three Mile Island (TMI) in March 1979, is the principal cause of the change, not only because of claims from that accident but because it appears to have precipitated a spurt of unrelated claims at other locations insured by the pools.

Three Mile Island

The pools responded promptly to the TMI incident as was intended under the Price-Anderson system, even though the incident did not meet the NRC's criteria of an extraordinary nuclear occurrence (11) (see also Nuclear Law Bulletin No. 25). At noon on Friday, 30th March 1979, Governor Thornburgh of Pennsylvania recommended that pregnant women and preschool-aged children be evacuated from within a 5-mile radius of unit 2 at TMI. The pools had a Claims Service Office opened in Harrisburg, Pa., at 9.00 a.m. the next morning to advance emergency assistance funds to qualified persons and their families. Emergency assistance payments totalling \$1.2 million were made to 3,170 families. An additional \$92,400 was paid to 636 persons for lost wages.

Within several days legal actions were commenced against the operator of the damaged reactor and its suppliers, including a number of class action suits filed in state and federal courts in Pennsylvania. Several of the class action suits were consolidated into one class action suit in the US District Court in Harrisburg. All other suits were stayed by the District Court while attention was focused on the consolidated class action. The class represented in the consolidated class action included all persons and businesses within a 25-mile radius of the damaged reactor. The District Court did not allow a class for bodily injury claims because it held the view that the circumstances did not support it. Thus the class action was confined to claims for alleged property damage and other economic loss and prospective expense of medical detection services on behalf of the estimated 600,000 potential claimants within a 25-mile radius of the damaged reactor. A settlement of the class action suit was reached on 9th September 1981, with approval of the Federal District Court. The sum of \$20 million was paid by the pools for all economic loss, and an additional \$5 million was paid to provide for medical studies and other medical evaluation services.

Additional litigation continues to be filed on behalf of claimants from both within and beyond the 25-mile radius. There are at present 40 suits on behalf of the 363 plaintiffs from within a 25-mile radius; another 15 individual suits on behalf of 46 plaintiffs within the area have been dismissed. In addition, there are two class action suits from beyond the 25-mile radius and several class actions on behalf of governmental bodies and individuals both within and beyond the 25-mile radius. Most claimants seek damages for alleged bodily injury and emotional distress, economic loss, and alleged increased risk of illness due to radiation exposure.

The total liability loss and loss expense paid by the pools thus far as a result of the TMI incident is \$29,028,445. The litigation now in process will continue for several years, and additional litigation will likely be instituted in the years beyond that.

An interesting note is that a total of \$6,665.56 was returned to the pools by families whose advances exceeded their evacuation expenses.

Other Claims

In the twenty-three years of the pools' operations before the TMI incident, 39 incidents, reported to the pools by their insureds, gave rise to claims or might have done so. (In 9 of these reported incidents, no claims were asserted.) In the four years since the TMI incident the pools have received an additional 62 such notices. (In three of these no claims were asserted.)

A summary of the claims history is presented in Table 1. All of the claims indicated in Table 1 as being open are in litigation.

Onsite Worker Claims

Table 1 clearly portrays a development that comes as no surprise. Most claims are asserted by workers who allege that they sustained bodily injury from the nuclear energy hazard while working at a nuclear reactor site. Most often the claimant is a worker employed by a contractor, although sometimes the claimant is an employee of the reactor operator. The pools' policies do not cover either an employer's tort liability to his own employees or his liability under workmen's compensation laws, so we do not have direct knowledge of these types of claims. Such claims are insured in the conventional insurance market. I understand that many utilities self-insure their employer's liability and worker's compensation exposure. The claims by onsite workers generally covered by the pools' policies are tort liability claims that a worker asserts against a third party - someone who is not his employer. A worker may sue a third party, such as a contractor who has been working on the site, a supplier, or the reactor operator, and may allege that this third party is responsible for his injury. In some states a worker may even sue a fellow employee.

The insurance provided by the pools to the nuclear reactor operators includes as an insured any third party against whom a claim is asserted for alleged nuclear-caused injury. As a result, all onsite workers' tort claims against someone other than their employer for alleged nuclear injury at a reactor site involve the pools' coverage.

The total number (cumulative) of workers monitored for radiation exposure for each year between 1969 and 1981 is described in the third column of Table 2 (Ref. 12). The number of workers with measurable doses and the average dose for each year are also described. Because many workers are monitored repeatedly over the years, the cumulative sum of workers monitored does not describe the total number of individuals monitored over the years. Thus the total number of workers exposed should be smaller than the total number monitored. But, we must add to this group of potential claimants the non-monitored workers onsite, because some of our claims have come from workers employed in non-radiation areas.

The average annual radiation exposure to workers has been slight, and the number of workers who have received technical over-exposures (Table 2) has been relatively small.

When we consider that about 16 per cent of all deaths in the United States are caused by cancer and about 30 per cent of the population will contract cancer, the increasing frequency of workers' tort liability claims for alleged radiation injury is not surprising. Because of the effective health physics protection of workers, the facts of individual claims rarely support the allegations made.

A great deal of effort has been directed by reactor operators, the NRC, and workers' unions toward the protection of onsite workers. Important elements in the care exercised include employee training and re-training in nuclear safety programmes, effective health physics control, documentation of the health physics controls, and retention of such documentation for suitably long periods of time.

Documentation of health physics protection is essential for making an objective evaluation of an alleged radiation injury. Documentation of injury caused by nuclear material serves both sides of the issue. When persons apprehensive of injury know of the protection provided for workers and of the amount of radiation exposure measured, they are often convinced that they did not receive injury or that their injury or illness was not caused by radiation.

A nuclear industry study group under the auspices of the Atomic Industrial Forum has addressed the problem area of radiation record keeping for transient workers (13). The number of transient workers, past and present, at nuclear sites is substantial although the precise number is not known. Transient workers, of course, receive the same health physics protection services as other radiation workers onsite. However, because they may work at more than one location, their health physics records may not be complete at any one location. The study group recommends development of a central computerised service that would store radiation exposure and other records for such workers. Such a system would do much to strengthen the availability and accuracy of records. Although implementation may not be a simple matter, I am hopeful that obstacles will be overcome.

CONCLUSION

The Congress will likely commence its review early in 1984 of the possible renewal of the Price-Anderson Law. The circumstances are substantially different today than they were when Congress last considered this matter in 1975. Then, there was a large and increasing backlog of nuclear power reactors under construction and on order. Today, there continues to be a large number of reactors under construction, but contracts for many reactors have been cancelled, and no orders have been placed for new reactors since 1978 (Ref. 14). Yet, nuclear power generation has become a significant portion of the total electricity generated in the United States and will increase as the 56 reactors with construction permits and the five on order are completed.

If the law is not renewed, it will not apply to reactors for which construction permits are issued after 1st August 1987. Owners of and suppliers for such reactors would not have the benefit of a limit on liability, and thus all of their assets would be exposed to liability claims in the event of an accident causing serious injury or damage to the public.

There is serious doubt that a utility or its suppliers would construct additional reactors without a limitation on liability. Therefore the deliberations of the Congress over the next two years will be critical to the future of nuclear-generated electric power.

Table 1 Summary of Paid Loss and Loss Expense

Incident No. ^a	Date of incident	Type of claim or potential claim			Loss payments		File closed	File open and active	
		Type ^b	Bodily injury	Property damage	Worker ^c	Expense			Indemnity
1	June 1962	T		x		101	1 183	x	
2 (R)	January 1963	T		x		0	3 519	x	
3	January 1963	T	x		x ^d	28 763	300 000	x	
4	June 1962 ^e	T				0	0	x	
5	Not determined ^f	NT		x		0	1 250	x	
6	July 1964	NT	x		x	6 403	70 000	x	
7	June 1965 ^e	NT				0	0	x	
8	February 1966	T		x		80	183	x	
9	May 1966	T		x		63	896	x	
10	January 1965	NT	x		x	11 012	1 500	x	
11	August 1967 ^g					0	0	x	
12	September 1968 ^e	T			x	1 460	0	x	
13	November 1968	T		x		2 631	0	x	
14	June 1963 ^e					106 ^h	0	x	
15	May 1966	T	x		x	1 962	0	x	
16	September 1969	NT	x		x ^d	54 838	0	x	
17	September 1969	NT	x		x	5 215	1 275	x	
18	May 1972	NT		x		10 199	25 099	x	
19	May 1972	NT		x		34	5 077	x	
20	Not determined ^f	NT	x		x ^d	18 851	10 000	x	
21	Not determined ^f	NT	x		x ^d	11 520	6 500	x	
22	May 1972 ^e	NT			x	0	0	x	
23	May 1973 ^e	T			x	0	0	x	
24	December 1972 ^e	NT			x	0	0	x	
25	March 1974 ^e	T				0	0	x	
26	November 1974	NT	x	x	x ^d	634 186	37 445		x
27 (R)	March 1975 ^e	T				450 ^k	0	x	
28	Over several years	NT	x		x ^d	0	0	x	
29	Over several years	NT	x		x ^d	0	0	x	
30 (R)	Over several years	NT	x			7 003	0	x	
31 (R)	April 1976	NT	x		x	4 683	0	x	
32 (R)	October 1975	NT	x		x ^d	11 973	0	x	
33 (R)	November 1977	NT	x		x	144 548	0		x
34 (R)	January 1978	NT		x		6 839	0	x	
35 (R)	June 1977	NT	x		x	1 887	0	x	
36 (R)	July and August 1977 ^e	NT			x	0	0	x	
37 (R)	February and March 1977	NT	x		x ^d	0	0	x	
38 (R)	September 1975	NT	x		x ^d	25 066	0		x
39 (R)	Summer and fall 1977	NT	x		x	217	0	x	
40 (R)	March 1979	NT	x	x		2 906 055	26 307 828		x
41 (R)	October 1977	NT	x		x	3 636	0	x	
42 (R)	Continuous since facility opened in 1972	NT	x	x		81 180	0		x
43 (R)	August 1976	NT	x		x ^d	21 671	26 500		x
44 (R)	February 1976	NT	x		x ^d	5 250	0	x	

Table 1 (Continued)

Incident No. ^a	Date of incident	Type of claim or potential claim			Loss payments		File closed	File open and active	
		Type ^b	Bodily injury	Property damage	Worker ^c	Expense			Indemnity
45 (R)	1973-1974	NT	x		x	76 838	0		x
46 (R)	July and August 1978	NT	x		x	21 221	0		x
47	Not determined ^e	NT				0	0	x	
48	1960-1963 ^e	T				0	0	x	
49	May 1968 ^e	NT				0	0	x	
50	April 1979	NT	x		x ^d	0	0		x
51	1957 onward	NT	x		x ^d	0	0		x
52	1971	NT	x		x ^d	0	0		x
53 (R)	Since 1979	NT	x			0	0	x	
54	1954-1955 ^e					0	0	x	
55 (R)	April 1979	NT	x		x	0	0		x
56 (R)	June-August 1977	NT	x		x	0	0	x	
57 (R)	February and March 1978	NT	x		x ^d	0	0		x
58 (R)	October 1977	NT	x		x	0	0		x
59 (R)	January 1978	NT	x		x	629	9		x
60 (R)	August 1974	NT	x		x ^d	0	0	x	
61 (R)	1976-1977	NT	x		x ^d	0	0		x
62 (R)	Since 1976	NT	x	x		22 721	0		x
63 (R)	October 1977	NT	x		x	16 246	0		x
64 (R)	October 1978	NT	x		x	6 730	7 500	x	
65 (R)	Not determined	NT	x		x ^d	200	0	x	
66	May 1975 ^e					0	0	x	
67 (R)	Since January 1976	NT	x	x		95 430	0	x	
68 (R)	April 1979	T	x		x	5 882	0		x
69 (R)	1977	NT	x		x ^d	44 852	0		x
70 (R)	March 1979	NT	x		x	4 756	0		x
71 (R)	May 1977	NT	x		x ^d	4 415	1 500	x	
72 (R)	October 1976	NT	x		x	0	0		x
73 (R)	1971-1975	NT	x		x	0	0	x	
74 (R)	Not determined ^e					0	0		
75 (R)	May 1979	NT	x		x	0	0		x
76 (R)	Unspecified ^e					0	0		x
77 (R)	1974	NT	x		x ^d	0	0		x
78 (R)	January 1980	NT	x			0	0	x	
79	1963-1973	NT	x			0	0		x
80	November 1966	NT	x		x	0	0		x
81 (R)	March 1981	NT	x		x	0	0		x
82 (R)	November 1979	NT	x		x	726	0		x
83 (R)	March 1981	NT	x		x	2 172	0		x
84 (R)	November 1978	NT	x		x ^d	1 484	0		x
85	1966-1979	NT	x		x ^d	0	0		x
86	July 1979 ^e					0	0		x
87	September 1976 ^e					0	0		x
88 (R)	March 1981	NT	x		x	0	0		x
89 (R)	January 1982 ^e	NT				289 546	0		x
90 (R)	May 1980	T		x		349 410	0		x
91	September 1981	NT	x		x	91	0		x

Table 1 (Continued)

Incident No. ^a	Date of incident	Type ^b	Type of claim or potential claim		Worker ^c	Loss payments		File closed	File open and active
			Bodily injury	Property damage		Expense	Indemnity		
92 (R)	During construction		x		x ^d	9 860	0		x
93 (R)	March-November 1977	NT	x		x ^d	35 735	0		x
94 (R)	1976-1982	NT	x		x ^d	17 111	0		x
95	1958-1980	NT	x		x ^d	1 272	0		x
96 (R)	September 1982	NT		x		0	0		x
97	1966-1981	NT	x		x ^d	21 092	0		x
98 (R)	December 1980	NT	x		x	17 072	0		x
99 (R)	February 1980	NT	x		x	2 622	0		x
100 (R)	February 1981	NT	x		x	3 075	0		x
101 (R)	April 1981	NT	x		x	0	0		x
102 (R)	April 1982	NT	x		x	0	0		x

^aThe letter "(R)" indicates that the incident involved a nuclear power reactor or the transportation of nuclear material to or from a nuclear power reactor

^bNT = nontransportation T = transportation.

^cAs claimant or potential claimant. In some incidents more than one worker is asserting tort liability against a party who is not his employer

^dClaim includes assertion that malignancy was caused by nuclear radiation.

^eNo claim made

^fDate of alleged damage was not determined, but claim was made in May 1964

^gClaim not within pool coverage.

^hExpense of investigation which determined that claim was not covered.

ⁱDate of alleged damage was not determined, but claim was made in August 1972.

^jDate of alleged damage was not determined, but claim was made in May 1972.

^kExpense incurred to investigate incident.

Table 2 Annual Number of Onsite Workers Monitored as Reported by Commercial Power Reactors^a

Year	Number of reactors included ^b	Total workers monitored	Workers with measurable doses	Annual collective doses, man-rem	Average dose per worker, rem	Average collective dose per reactor man-rem	Number of workers overexposed internally and externally
1969	7 (5)	2 838	744 ^c	1 247 (663 ^c)	0 89 ^c	178	
1970	10 (7)	7 509	2 661 ^c	3 502 (1 609 ^c)	0 60 ^c	350	
1971	13 (9)	9 581	2 778 ^c	3 628 (1 981 ^c)	0 71 ^c	280	23
1972	18 (12)	15 713	4 143 ^c	6 566 (4 213 ^c)	1 02 ^c	365	18
1973	24	33 823	14 780	13 963	0 94	582	19
1974	34	38 938	18 466	13 722	0 74	404	55
1975	44	44 343	25 491	20 879	0 82	475	21
1976	53	61 151	35 447	26 433	0 75	499	20
1977	57	67 134	42 266	32 511	0 77	570	27
1978	64	76 121	45 998	31 809	0 69	497	9
1979	67	109 160	64 073	39 759	0 62	593	21
1980	68	133 878	80 331	53 796	0 67	791	73
1981	70	124 506	82 183	54 142	0 66	773	7

^aBased on B G Brooks, *Occupational Radiation Exposure at Commercial Nuclear Power Reactors—1981* NRC Report NUREG-0713 Vol. 3 NTIS, September 1982.

^bDuring the years 1969-1972, all plants reported collective doses but a few did not submit the number of personnel that received measurable doses. The number in parentheses indicates number of reactors for which collective doses and number of personnel receiving measurable doses were reported.

^cBased on data submitted by reactor operators reporting collective doses and number of personnel receiving measurable doses.

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Législation et réglementation des activités nucléaires, Edition Conseils,
Paris, 1984, 620 pages

This work is a compilation of legislative texts and regulations published by the Atomic Energy Commission's Legal Affairs Department (CEA). It provides a comprehensive source of knowledge and information on nuclear energy law. Legislative texts published over the last forty years, are collected and analytically indexed. The publication covers both French regulations and regulations of international organisations such as the International Atomic Energy Agency and Euratom. It is divided into eight different chapters, dealing with regulations relevant to international and national institutions, nuclear installations, third party liability, protection of persons and the environment, etc. A chronological table of the texts of international and national laws is also included in this work.

The text is published in the form of loose-leaf pages allowing for the insertion of annual updates.

Le désarmement nucléaire - Zone dénucléarisée et limitation des armements -
Documentation française, January-February 1984, No. 480-481, 63 pages

This bimonthly periodical is published in the *Problèmes politiques et sociaux* series. The present issue is devoted to the problems of denuclearisation in particular as it relates to territories under national sovereignty and to international territories such as the Antarctic or the seabed. Various international agreements, such as the Treaty of Tlatelolco and the Treaty on the Denuclearisation of the Seabed, are discussed and analysed. This issue also examines different forms of denuclearisation through existing agreements on nuclear weapons tests, prevention of "horizontal" and "vertical" proliferation etc. In addition, the provisions of the IAEA Safeguards system, as well as the proposals for the creation of an international agency for the control of satellites are reviewed.

• *Federal Republic of Germany*

Das atomrechtliche Genehmigungsverfahren, by Michael Ronellenfitsch, Berlin
Duncker and Humblot, 1983, XXIII, 503 pages (Schriftenreihe der Hochschule
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This book describes in great detail the legal problems of the German licensing procedure for nuclear installations. The author considers both the numerous court decisions and the vast legal literature, and frequently finds interesting and convincing new solutions to these problems. This book is likely to influence future legal developments in that area.

• *United States*

Financial Protection Against Nuclear Hazards: Thirty Years' Experience
Under the Price-Anderson Act, by Laurie R. Rockett, Project Director, New York,
1984, 109 pages

This report is an independent research project carried out by the Legislative Drafting Research Fund of Columbia University at the request of the Atomic Industrial Forum. It is the third such study of the Price-Anderson Act and alternative methods of providing financial protection against the hazards involved in the production of nuclear energy. As such, it evaluates the operation of the Price-Anderson Act in the light of the last ten years' experience and the changes that have occurred during that period both in the law and regulations and in the nuclear and insurance industries. It also provides an analysis of the various proposals which have been put forward to extend or amend the Act prior to its expiration in 1987.

The report contains a historical background of the overall problem of providing the public with financial protection against nuclear hazards and an in-depth analysis of the financial protection scheme of the Price-Anderson Act. It goes on to examine what the situation would be in the absence of this scheme and presents a general description of the prevailing state law which would determine liability and the various obstacles that victims might encounter in seeking compensation from private industry and from the United States.

The fundamental policy issues which must be resolved by the US Congress before deciding which alternative to implement are identified and discussed and various proposals, including those submitted by the Nuclear Regulatory Commission in its report to Congress on the extension of the Price-Anderson Act, are reviewed.

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This publication groups together the decisions, recommendations and interpretations concerning the Paris Convention of 1960 on Third Party Liability in the Field of Nuclear Energy which were agreed in the years following signature of the Convention.

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Regulatory and Institutional Framework for Nuclear Activities in OECD Member Countries, Volume II, OECD/NEA, Paris, 1984

Volume II of this study, which is part of a series of analytical studies of nuclear legislation in OECD Member countries, is now being published.

It includes comprehensive tables of the main conventions involving nuclear activities indicating the countries' signatories to the conventions and the dates of ratification/accession.

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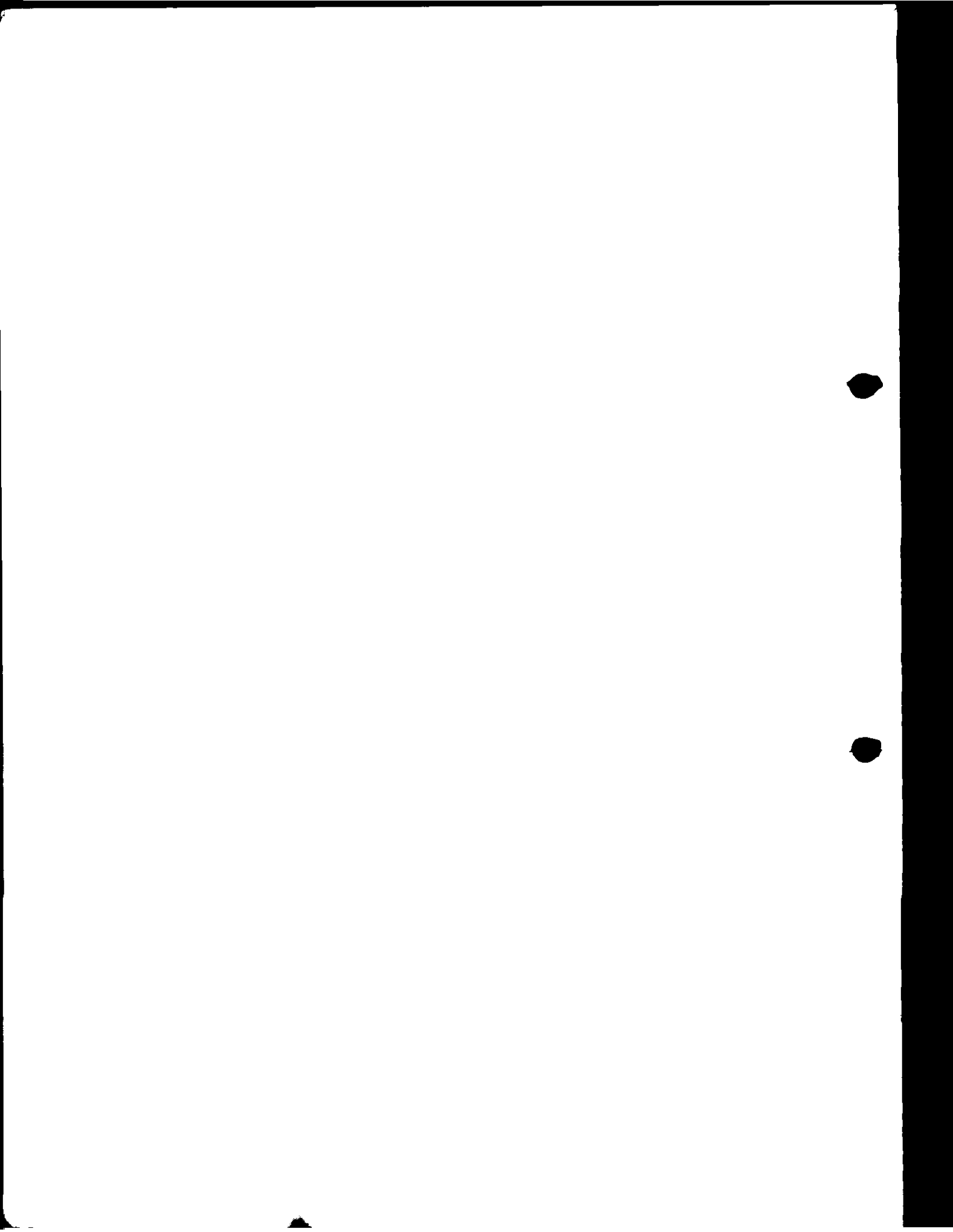
NUCLEAR LAW

Bulletin

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June 1984



Sweden

ACT ON NUCLEAR ACTIVITIES* (SWEDISH CODE OF STATUTES 1984:3)

INTRODUCTORY PROVISIONS

Section 1

This Act concerns nuclear activities.

By such activities is meant:

1. construction, possession or operation of a nuclear plant,
2. acquisition, possession, transfer, handling, processing, transport of or other dealings with nuclear substances or nuclear waste,
3. conveyance into Sweden (importation) of nuclear substances or nuclear waste,
4. conveyance out of Sweden (exportation) of:
 - a) nuclear substances or minerals containing such substances,
 - b) products made from nuclear substances or goods containing such substances,
 - c) equipment or material that has been specially designed or prepared for processing, use or production of nuclear

Note: A special ad hoc Committee on Nuclear Legislation was appointed in 1979 by the Government to revise the nuclear legislation of Sweden. The proposal of this Committee has now led to a new law in this field, which entered into force on 1st February 1984. The new Swedish law - the above Act on Nuclear Activities - is supplemented by the Ordinance on Nuclear Activities which is reproduced following the Act.

*Unofficial translation by the Swedish Ministry of Industry.

substances or which is otherwise of essential importance for the production of nuclear devices, to the extent prescribed by the Government, and

5. assignment or transfer of a right to manufacture outside of Sweden such equipment or such material as is referred to in 4c and is manufactured within Sweden, to the extent prescribed by the Government.

Section 2

For the purposes of this Act:

1. Nuclear plant means:
 - a) any plant for the generation of nuclear energy (nuclear power reactor),
 - b) any other plant in which a self-sustaining nuclear reaction can take place, such as a research reactor,
 - c) any plant for the recovery, production, handling, processing, storage (isolation) of nuclear substances, and
 - d) any plant for the handling, processing, storage (isolation) of nuclear waste,
2. Nuclear substance means:
 - a) uranium, plutonium or any other substance that is used or can be used for the generation of nuclear energy (nuclear fuel) or any compound containing such a substance,
 - b) thorium or any other substance that is intended to be converted to nuclear fuel or any compound containing such a substance, and
 - c) spent nuclear fuel that has not been placed in a final repository,
3. Nuclear waste means:
 - a) spent nuclear fuel that has been placed in a final repository,
 - b) any radioactive substance that has been formed in a nuclear plant or material or any other substance that has become radioactively contaminated in such a plant, and
 - c) radioactive parts of a nuclear plant that is being decommissioned.

FUNDAMENTAL PROVISIONS

Section 3

Nuclear activities shall be conducted in such a manner that the requirements on safety are met and the obligations are fulfilled that follow from Sweden's agreement for the purpose of preventing the proliferation of nuclear weapons.

Provisions governing radiation protection are laid down in the Radiation Protection Act (1958:110).

Section 4

Safety in nuclear activities shall be maintained by the adoption of whatever measures are required in order to:

1. prevent defects in or malfunction of equipment, incorrect action or anything else that might lead to a radiological accident, and
2. prevent illicit dealings with nuclear substances or nuclear waste.

LICENCES, PERMITS ETC.

Section 5

A licence under this Act is required for nuclear activities. Licence applications are reviewed by the Government or such authority as the Government designates.

With regard to nuclear substances or nuclear waste in small quantities or with low contents of radioactivity, the Government may in an ordinance lay down regulations regarding licences for each and every person or for a certain professional group or for certain establishments, institutions or enterprises to use the substance or the waste for the purposes of instruction or research or for medical, agricultural, industrial or commercial purposes.

Section 6

In addition to a licence under Section 5, a special permit from the Government is required for loading a nuclear power reactor for the first time with nuclear substances so that a self-sustaining nuclear reaction can take place.

Such a permit is only granted if the reactor owner:

1. has demonstrated that a method exists for the handling and final storage of the deriving spent nuclear fuel and radioactive waste that can be approved with respect to safety and radiation protection,
2. has produced a programme for the research and development work that is needed in order to enable spent nuclear fuel from the reactor and radioactive waste deriving from it to be handled and finally disposed of in a safe manner.

Section 7

A licence or a permit may be issued for a limited period of time.

LICENSING CONDITIONS ETC.

Section 8

When a licence is issued, or during the period of validity of a licence, such conditions may be stipulated as are required in view of safety.

Section 9

With regard to equipment for nuclear activities that is of importance from the viewpoint of safety, the Government or the authorities designated by the Government may issue directives concerning testing, surveillance or inspection.

The Government or the authority designated by the Government may also issue directives concerning fees for such testing, surveillance or inspection.

GENERAL OBLIGATIONS OF LICENCE-HOLDERS

Section 10

The holder of a licence for a nuclear activity shall ensure that such measures are taken as are needed in order to:

1. maintain safety, in view of the nature of the activity and the conditions under which it is conducted,
2. handle and finally dispose of in a safe manner nuclear waste arising in the activity or nuclear substances arising in the waste that are not recycled, and

3. decommission and dismantle in a safe manner plants in which the activity is no longer to be conducted.

Section 11

The holder of a licence to own or operate a nuclear power reactor shall, in addition to what is said in Section 10, ensure that such comprehensive research and development work is conducted as is needed in order that the requirements set forth in Section 10, items 2 and 3 be met.

Section 12

The holder of a licence to own or operate a nuclear power reactor shall, in consultation with other reactor owners prepare or have prepared a programme for the comprehensive research and development work and the other measures stipulated in Section 10, items 2 and 3 and Section 11. The programme shall, firstly, contain an overview of all measures that may be necessary and, secondly, further define the measures that are intended to be taken within a period of at least six years. The programme shall, beginning in 1986, be submitted to the Government or the authority designated by the Government every third year for scrutiny and evaluation.

Section 13

The obligation of a reactor owner to defray certain costs incurred by the State and to remit an annual fee to the State is governed by the provisions of the Act (1981:669) on the financing of future expenses for spent nuclear fuel etc.

Section 14

Where a licence is revoked or the period of validity of a licence expires, the obligations under Section 10 persist until they have been fulfilled or waived. The obligations may be waived by the Government or the authority designated by the Government.

REVOCATION OF LICENCES

Section 15

A licence to conduct a nuclear activity can be revoked if:

1. stipulated conditions or directives pursuant to Sections 8 and 9 have not been observed in some essential respect,
2. the provisions of Sections 11 and 12 are not observed and particular reasons exist from the viewpoint of safety, or
3. there exist other particular reasons from the viewpoint of safety.

SUPERVISION

Section 16

Supervision to ensure compliance with this Act and the conditions or directives issued pursuant thereto shall be exercised by such authority as the Government designates.

Section 17

A licence-holder shall, at the request of the supervisory authority:

1. furnish the authority with such information and documents as are needed for the exercise of supervision, and
2. allow the authority admittance to the plant or site where the nuclear activity is being conducted, to the extent required for the exercise of supervision.

Section 18

The supervisory authority may prescribe such measures as are needed in order to ensure compliance with this Act or with conditions or directives issued pursuant thereto.

PUBLIC INSIGHT

Section 19

The holder of a licence to operate a nuclear power reactor or a plant for the handling, intermediate storage or final storage of nuclear waste or of nuclear substances that are not to be recycled is obligated to give the local safety committee, determined by the Government, insight into the work of safety and radiation protection at the plant.

Section 20

This insight shall enable the committee to gather information on the work of safety and radiation protection that has been done or is planned at a plant as referred to in Section 19 and to compile material to inform the public of this work.

Section 21

The licence-holder shall, at the request of the committee:

1. furnish the committee with information on available facts and allow the committee to give available documents, all to the extent that is necessary in order to enable the committee to meet the requirements laid down in Section 20, and
2. give the committee access to and show it its installations or sites, if this is necessary in order for the committee to understand the implications of the information or documents furnished according to subsection 1 and provided that access is consistent with applicable safety regulations.

LIABILITY PROVISIONS ETC.

Section 22

Where a person does not comply with the provisions of Sections 10-12 or with conditions or directives issued pursuant to the Act, or fails to comply with what the supervisory authority has requested or decided pursuant to Section 17 or 18, the supervisory authority may direct him to comply under penalty of a fine.

Section 23

Appeals against decisions taken by the supervisory authority under this Act shall be lodged with the Government.

Decisions taken by the supervisory authority shall become effective immediately unless otherwise specified.

Section 24

Appeals against the decisions of a local safety committee concerning requests under Section 21 may be lodged with the County Administrative Court.

Section 25

A sentence of fines or imprisonment for a maximum of two years shall be passed on anyone who:

1. conducts a nuclear activity without a licence under Section 5 or violates Section 6, or
2. disregards conditions or directives issued pursuant to this Act.

Matters involving the illicit importation of nuclear substances or nuclear waste or illicit exportation of nuclear substances or other equipment or materials referred to in Section 1, subsection 4, or attempts to carry

out such exportation are, however, governed by the Act (1960:418) on penalties for the smuggling of goods.

Section 26

Nuclear substances or nuclear waste that a person has acquired, possessed, transferred, handled, processed, transported or otherwise had dealings with without a licence under Section 5 can be declared completely or partially forfeited, if this is not obviously unreasonable. If that person is no longer in possession of the substance, its value may instead be declared forfeited.

Section 27

Any person who fails to comply with what the supervisory authority requests or decides pursuant to Section 17 or Section 18 or what the local safety committee requests pursuant to Section 21, or who wilfully or through gross negligence furnishes the authority or the committee with inaccurate information, shall be sentenced to a fine or to imprisonment for a maximum of six months.

Section 28

Any person who has disregarded an order to comply under penalty of a fine shall not be sentenced to a punishment according to this Act for an act covered by the order.

Section 29

Crimes described in the first paragraph of Section 25 or in Section 27 as far as decisions by the supervisory authority are concerned may be prosecuted by a public prosecutor only if they are reported for prosecution by the supervisory authority.

TRANSITIONAL PROVISIONS

(not included here)

ORDINANCE ON NUCLEAR ACTIVITIES*
(SWEDISH CODE OF STATUTES 1984:14)

INTRODUCTORY PROVISIONS

Section 1

For the purposes of this Ordinance:

- natural uranium means uranium containing the mixture of isotopes occurring in nature,
- enriched uranium means uranium in which the content of the isotope uranium 235 is higher than in natural uranium,
- depleted uranium means uranium in which the content of the isotope uranium 235 is lower than in natural uranium.

CONVEYANCE OUT OF SWEDEN OF EQUIPMENT OR MATERIAL ETC.

Section 2

Such equipment or such material as is referred to in Section 1, second paragraph 4c of the Act (1984:3) on Nuclear Activities and has been listed in an Annex to this Ordinance may not be conveyed out of Sweden without the permission of the Government.

The right to manufacture outside of Sweden such equipment or such material as is manufactured within Sweden and has been listed in the Annex may not be assigned or transferred without the permission of the Government.

*Unofficial translation by the Swedish Nuclear Power Inspectorate.

LICENSING

GENERAL

Section 3

A licence under the Radiation Protection Act (1958:110) is also required for what is covered by licences under Sections 4-13 or 15 of this Ordinance.

Provisions governing transportation are set forth in the Act (1982:821) on the Transportation of Dangerous Goods.

CERTAIN LICENCES

Section 4

Anyone may, after notifying the Swedish Nuclear Power Inspectorate, acquire, possess, handle, process, transport or otherwise have dealings with or convey into Sweden:

1. enriched uranium or compounds containing such uranium that contain no more than 15 grams of the isotope uranium 235,
2. no more than 15 grams of the isotope uranium 233 in pure or compound form,
3. no more than 15 grams of plutonium in pure or compound form,
4. no more than 5 kilograms of natural or depleted uranium in pure or compound form,
5. no more than 5 kilograms of thorium in pure or compound form.

In case of simultaneous possession of substances under points 1-3, the total weight of the substances may not exceed 15 grams.

Section 5

Universities, colleges, institutes of technology, research institutes or similar scientific institutions may, after notifying the Swedish Nuclear Power Inspectorate, for scientific use, acquire, possess, handle, process, transport or otherwise have dealings with or convey into Sweden:

1. natural or depleted uranium or compounds containing natural or depleted uranium, and

2. thorium or other substances intended to be converted to nuclear fuel.

Section 6

Anyone may acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden deuterium, tritium, lithium or compounds containing any of these substances in order to use the substance for purposes other than to bring about self-sustaining nuclear reactions.

Anyone may acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden products such as instruments, apparatus or preparations for medical or similar purposes containing deuterium, tritium or lithium.

Section 7

Nuclear waste referred to in Section 2, 3b of the Act (1984:3) on Nuclear Activities in such small quantities or with such low contents of radioactivity as are referred to in Section 5, second paragraph of the same Act may be acquired, possessed, transferred, handled, processed, transported or otherwise dealt with or conveyed into Sweden by anyone in order to be used for the purposes of instruction or research or for medical, agricultural, industrial or commercial purposes, provided that a licence has been granted for this under the Radiation Protection Act (1958:110).

Section 8

Natural or depleted uranium or compounds containing such uranium may be acquired, possessed, transported or conveyed into Sweden for use as counterweights in aircraft and, after notifying the Swedish Nuclear Power Inspectorate, be acquired, possessed, processed, transported or conveyed into Sweden for the:

1. production of radiation shielding devices,
2. colouring of ceramic products and glass,
3. production of alloys intended for use other than as nuclear fuel in which the uranium content does not exceed one per cent by weight.

Anyone may acquire, possess, transfer, handle, transport or otherwise have dealings with or convey into Sweden counterweights or devices referred to in the first paragraph and acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden products referred to in the first paragraph, 2 and 3.

Section 9

Thorium or compounds containing thorium may, after notifying the Swedish Nuclear Power Inspectorate, be acquired, possessed, handled, processed, transported or conveyed into Sweden for the production of:

1. activation compounds for electrodes for gas discharge lamps, gas discharge tubes or electron tubes,
2. incandescent mantles,
3. high-refractory ceramics that are not nuclear fuel,
4. luminescent material (powdered phosphor),
5. lenses or filters for electromagnetic radiation,
6. alloys in which the content of thorium does not exceed 5% by weight.

Anyone may acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden products referred to in the first paragraph.

Section 10

Uranium, plutonium or thorium or compounds containing any of these substances may, after notifying the Swedish Nuclear Power Inspectorate, be transferred to a person who may, under the Act (1984:3) on Nuclear Activities or under this Ordinance, acquire or possess such substances or compounds in the quantity entailed by the transfer.

Section 11

Anyone may acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden substances whose content of natural or depleted uranium or thorium does not exceed 200 grams per ton.

Section 12

Products, counterweights or devices referred to in Section 6, second paragraph, Sections 8 or 9 or deuterium, lithium or compounds containing any of these substances or substances referred to in Section 11 may be conveyed out of Sweden, unless otherwise specified in the Annex to this Ordinance.

Nuclear substances in quantities less than one per mill of the quantities given in Section 17 may be conveyed out of Sweden.

Section 13

Uranium, plutonium, thorium or compounds containing any of these substances may be transitted through Sweden if the necessary transport permits have been granted for this.

Section 14

Uranium, plutonium or other substances used as nuclear fuel may, after notifying the Swedish Nuclear Power Inspectorate, be conveyed into Sweden by a person holding a licence under the Act (1984:3) on Nuclear Activities to acquire, possess, transfer, process or otherwise have dealings with such a substance.

Acquisition outside Sweden of substances referred to in the first paragraph shall be reported without delay to the Swedish Nuclear Power Inspectorate.

Section 15

A person with a licence or permit under Sections 4-13 of this Ordinance to handle, process or otherwise have dealings with nuclear substances or nuclear waste may erect, own or operate the devices and facilities necessary for this purpose.

LICENCE APPLICATIONS TO BE CONSIDERED BY AUTHORITIES OTHER THAN THE GOVERNMENT

THE SWEDISH NUCLEAR POWER INSPECTORATE

Section 16

The Swedish Nuclear Power Inspectorate shall consider applications for licences to acquire, possess, transfer, handle, process or otherwise have dealings with or convey into Sweden:

1. enriched uranium or compounds containing such uranium, if the content of the isotope uranium 235 amounts to no more than 5 kilograms,
2. no more than 5 kilograms of the isotope uranium 233 in pure or compound form,
3. no more than 5 kilograms of plutonium in pure or compound form,
4. natural or depleted uranium or compounds containing natural or depleted uranium, or
5. thorium or compounds containing thorium.

Section 17

The Swedish Nuclear Power Inspectorate shall consider applications for licences to convey out of Sweden the following quantities of uranium, plutonium, thorium or tritium in pure form or in the form of an alloy, compound or mixture on each occasion of such a conveyance:

1. no more than 10 kilograms of enriched uranium containing no more than 5% of the isotope uranium 235,
2. no more than 100 grams of enriched uranium containing more than 5% of the isotope uranium 235,
3. no more than 10 grams of the isotope uranium 233,
4. no more than 10 grams of plutonium,
5. no more than 50 kilograms of natural uranium or uranium depleted of the isotope uranium 235,
6. no more than 50 kilograms of thorium, or
7. no more than 1 gram of tritium.

Section 18

The Swedish Nuclear Power Inspectorate shall consider - after consulting the National Institute of Radiation Protection as regards conditions or directives that are required with a view towards radiation protection - applications for permits to transport nuclear substances or such nuclear waste as constitutes high-level waste from reprocessing.

THE NATIONAL INSTITUTE OF RADIATION PROTECTION

Section 19

The National Institute of Radiation Protection shall consider, after consulting the Swedish Nuclear Power Inspectorate as regards conditions or directives that are required with a view towards safety,

1. applications for licences to acquire, possess, transfer, transport or convey into Sweden other nuclear waste than that referred to in Section 18,
2. applications for licences to acquire, possess, transfer, handle, process, transport or otherwise have dealings with or convey into Sweden such nuclear waste as is to be used as a radiation source for the purposes of instruction or research or for medical, agricultural or industrial purposes and for licences to erect, own or operate the devices and facilities necessary for such purposes, and

3. applications for licences to erect, own or operate facilities for the underground disposal of low-level nuclear waste that does not derive from commercial uranium mining, as well as treatment or storage facilities belonging to such facilities, provided that the activity of the total quantity of waste in the underground disposal facility does not exceed 10 terabecquerel (TBq), of which no more than 10 gigabecquerel (GBq) consists of alpha-active substances.

The National Institute of Radiation Protection shall continuously notify the Government of licences that have been granted for the conveyance into Sweden of nuclear waste or for the erection, ownership or operation of facilities for underground disposal referred to in the first paragraph, 1 or 3.

CONDITIONS AND DIRECTIVES

Section 20

Licences issued under this Ordinance are subject to the additional conditions and directives issued by the Swedish Nuclear Power Inspectorate with a view towards safety.

Provisions governing the conditions and directives pertaining to radiation protection laid down and issued by the National Institute of Radiation Protection are set forth in the Radiation Protection Act (1958:110).

Section 21

Nuclear facilities and devices for the possession, handling, processing or transport of nuclear substances or nuclear waste shall be tested or inspected to the extent required to make sure that the safety requirements laid down in the Act (1984:3) on Nuclear Activities are met.

The Swedish Nuclear Power Inspectorate may issue further directives on such testing or inspection.

SUPERVISION

Section 22

The Swedish Nuclear Power Inspectorate shall exercise supervision to ensure compliance with the Act (1984:3) on Nuclear Activities and with conditions or directives issued pursuant to the Act.

Provisions governing supervision from the viewpoint of radiation protection, which is exercised by the National Institute of Radiation Protection, are set forth in the Radiation Protection Act (1958:110).

Section 23

The National Board for Spent Nuclear Fuel shall exercise supervision to ensure compliance with Sections 11 and 12 of the Act (1984:3) on Nuclear Activities.

OTHER PROVISIONS

Section 24

Applications for licences under Section 5 of the Act (1984:3) on Nuclear Activities shall be made in writing and submitted to the Swedish Nuclear Power Inspectorate or, in cases referred to in Section 19 of this Ordinance, to the National Institute of Radiation Protection.

If the application concerns a matter that falls under consideration by the Government, the Swedish Nuclear Power Inspectorate shall obtain the necessary statements of comment and submit the documents in the matter, together with its own statement of comment, to the Government.

Section 25

The programme referred to in Section 12 of the Act (1984:3) on Nuclear Activities shall be submitted to the National Board for Spent Nuclear Fuel for scrutiny and evaluation no later than September every third year beginning in 1986.

Section 26

The National Board for Spent Nuclear Fuel shall, no later than six months after the deadline stipulated in Section 25, submit to the Government the documents in the matter, together with its own statement of comment on the programme referred to there.

The statement of comment shall include a scrutiny and evaluation of the programme as regards:

1. planned research and development activities,
2. reported research results,
3. alternative handling and storage methods,
4. the measures intended to be taken.

Section 27

The National Nuclear Power Inspectorate shall consider applications for waivers under Section 14 of the Act (1984:3) on Nuclear Activities in cases where the Inspectorate has granted licences for the activity pursuant to Sections 16, 17 or 18 of this Ordinance.

If a licence for a nuclear activity has been granted pursuant to Section 19 of this Ordinance, applications for waivers referred to in the first paragraph shall be considered by the National Institute of Radiation Protection.

Section 28

Applications for a waiver referred to in Section 14 of the Act (1984:3) on Nuclear Activities shall be made in writing and submitted to the Swedish Nuclear Power Inspectorate or - in cases referred to in Section 27, second paragraph, of this Ordinance - to the National Institute of Radiation Protection.

If the application concerns a waiver that falls under consideration by the Government, the Swedish Nuclear Power Inspectorate shall obtain the necessary statements of comment and submit the documents in the matter together with its own statement of comment, to the Government.

ANNEX

LIST OF EQUIPMENT OR MATERIAL ETC. THAT MAY NOT BE CONVEYED
OUT OF SWEDEN WITHOUT THE PERMISSION OF THE GOVERNMENT

I. Equipment or material that has been specially designed or prepared for the processing, use or production of nuclear substances etc.

1. Nuclear reactors.
2. Equipment for nuclear reactors:
 - a) reactor pressure vessels, assembled or in the form of prefabricated parts,
 - b) machines for the loading or replacement of fuel in reactors,
 - c) reactor control rods,
 - d) pressure tubes intended for the containment of fuel elements and coolant at a pressure exceeding 5,000 kilopascals,
 - e) tubes for fuel elements of zirconium or zirconium alloy in which the content of hafnium is less than five hundredths of the constituent quantity of zirconium, insofar as the weight of the tubes conveyed out of Sweden exceeds 500 kilograms per year,
 - f) main coolant pumps for the recirculation of coolant in the form of liquid metal.
3. Gaseous hydrogen containing heavy hydrogen (deuterium), if the weight ratio between deuterium and light hydrogen (protium) exceeds 1:2,500 and the weight of deuterium in the gas exceeds 2 kilograms on each export occasion.
4. Water containing heavy water (deuterium oxide) if the weight ratio between deuterium and light hydrogen (protium) exceeds 1:2,500 and the weight of deuterium oxide in the water exceeds 10 kilograms on each export occasion.
5. Graphite for reactor purposes whose impurity content amounts to no more than five millionths boron, counted as neutron poison, and whose density exceeds $1,500 \text{ kg/m}^3$, insofar as its weight exceeds 5,000 kilograms on each export occasion.
6. Plants for the reprocessing of irradiated fuel elements.
7. Equipment for plants for the reprocessing of irradiated fuel elements:

- a) machines for cutting up of fuel elements,
- b) tanks for dissolution of irradiated reactor fuel.
- 8. Plants for the fabrication of fuel elements.
- 9. Plants for the enrichment of uranium.
- 10. Equipment designed for the enrichment of uranium.
- 11. Plants for the production of heavy water.
- 12. Equipment designed for the production of heavy water.

II. Equipment or material for which the right to manufacture may not be assigned or transferred.

Such equipment and such material as is stipulated under I, points 1, 2 and 6-12.

NUCLEAR LIABILITY ACT OF 8TH MARCH 1968 (No. 45)
AS AMENDED BY AN ACT OF 10TH MAY 1974 (No. 249)
AND BY AN ACT OF 22ND DECEMBER 1982 (No. 1275)*

INTRODUCTORY PROVISIONS

Section 1

- a) For the purposes of this Act:
- i) "Nuclear fuel" means fissionable material consisting of uranium or plutonium metal, alloy or chemical compound and such other fissionable material as the Government shall determine;
 - ii) "Radioactive products" means any radioactive material other than nuclear fuel, and radioactive waste, if the material or waste has been produced in the process of producing or utilising nuclear fuel or has become radioactive by exposure to the radiation incidental to such production or utilisation;
 - iii) "Nuclear substances" means nuclear fuel other than natural uranium or depleted uranium, and radioactive products other than radioisotopes which are used or prepared to be used for any industrial, commercial, agricultural, medical, scientific or educational purposes;

Note: The original Act entered into force on 1st April 1968 with the exception of Sections 29-31 which entered into force on 4th December 1974. The amendments adopted in 1982 entered into force on 1st April 1983 with the exception of Sections 1, 12 and 31; these Sections will enter into force on a day to be determined by the Government.

*Unofficial translation by the Swedish Ministry of Justice.

- iv) "Nuclear reactor" means any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process can occur therein without an additional source of neutrons;
- v) "Nuclear installation" means any nuclear reactor other than one with which a ship or any other means of transport is equipped for use as a source of power; any factory for the production or processing of nuclear substances; any factory for the separation of isotopes of nuclear fuel; any factory for the reprocessing of irradiated nuclear fuel; any facility where nuclear substances are stored with the exception of any facility intended exclusively for storage incidental to the carriage of such substances; any such other installation containing nuclear fuel or radioactive products as the Government shall determine;
- vi) "Installation State", in relation to a nuclear installation, means the Contracting State within the territory of which that installation is situated or, if it is not situated within the territory of any State, the Contracting State by which the nuclear installation is operated or which has authorised its operation;
- vii) "Operator" means, in relation to a nuclear installation situated in Sweden, the person operating or in charge of the installation, whether authorised thereto under the Atomic Energy Act (1956:306) or not, and, in relation to a nuclear installation outside Sweden, the person recognised under the law of the Installation State as the operator of that installation;
- viii) "Nuclear damage" means:
 - 1) any damage caused by the radioactive properties of nuclear fuel or radioactive products or a combination of radioactive properties with toxic, explosive or other hazardous properties of such fuel or products,
 - 2) any damage caused by ionizing radiation emitted from any other source of radiation inside a nuclear installation than nuclear fuel or radioactive products;
- ix) "Nuclear incident" means any occurrence or series of occurrences having the same origin which causes nuclear damage;
- x) "Paris Convention" means the Convention on Third Party Liability in the Field of Nuclear Energy, signed in Paris on 29th July 1960 and amended by the Additional Protocol signed in Paris on 28th January 1964 or the said Convention amended by the said Protocol and the Protocol to amend the Convention signed in Paris on 16th November 1982;

- xi) "Supplementary Convention" means the Convention supplementary to the Paris Convention, signed in Brussels on 31st January 1963 and amended by the Additional Protocol signed in Paris on 28th January 1964 and the Protocol to amend the Convention signed, also in Paris, on 16th November 1982;
 - xii) "Contracting State" means any State Party to the Paris Convention.
- b) The Government may prescribe that any nuclear installation, nuclear fuel or radioactive products shall be excluded from the application of this Act, if the small extent of the risks involved so warrants.

Section 2

If two or more nuclear installations having one and the same operator are located close to each other, the installation that was first constructed and the one or those that are located within a radius of 1,000 metres from the one that was first constructed, shall, for the purposes of this Act, be deemed to be one single nuclear installation. If in such case an installation that contains radioactive material, without being a nuclear installation, is located within the said radius, that installation and the nuclear installations shall be deemed to be one single installation if having the same operator. The provisions above apply only to installations located in Sweden.

Section 3

NCS / NCS -
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 DS / NCS
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 Sweden
 (c)

- a) Except as regards the provisions of Section 14(c) and Section 14a this Act does not apply to nuclear damage resulting from nuclear incidents occurring in the territory of a non-Contracting State.
 - b) Where liability lies with an operator of a nuclear installation situated in Sweden, this Act applies to nuclear damage suffered in the territory of a non-Contracting State only if the nuclear incident occurred in Sweden. Where liability lies with an operator of a nuclear installation situated outside Sweden, the territorial extent of the liability is governed by the law of the Installation State.
- In relation to a non-Contracting State the Government may determine that compensation for nuclear damage suffered in the territory of that State shall be payable in Sweden only if and to the extent that compensation for nuclear damage suffered in Sweden would be payable in that State. Such decision shall not, however, apply to the extent such application would be incompatible with obligations undertaken by Sweden in an international agreement.
- d) Provisions regarding the right in certain cases of a person who has paid compensation for nuclear damage to bring, notwithstanding the provisions of this Section, an action of recourse against an operator of a nuclear installation are laid down in Section 15.

Section 4

The Government may, having due regard to Sweden's obligations under the Paris Convention, determine that a non-Contracting State shall for the purposes of this Act be deemed to be a Contracting State.

COMPENSATION

Section 5

The operator of a nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident in his installation. However, except if otherwise stipulated by express terms of a contract in writing, the operator shall not be liable in respect of a nuclear incident involving only nuclear substances which have been stored in the installation incidentally to their carriage to or from another nuclear installation situated in the territory of a Contracting State.

Section 6

- a) The operator of a nuclear installation shall be liable to pay compensation for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances from a nuclear installation situated in Sweden or in the territory of another Contracting State, except if otherwise provided in paragraphs (b) or (c) of this Section.
- b) In the case of such carriage of nuclear substances to a nuclear installation situated in Sweden or in the territory of another Contracting State the liability for damage caused by a nuclear incident occurring in the course of the carriage shall lie with the consignee operator as from the time which has been fixed by a written contract between him and the consignor. In the absence of such contract the liability shall be transferred to the consignee when the nuclear substances are taken in charge by him.
- c) In the case of carriage of nuclear substances to a nuclear reactor with which a ship or any other means of transport is equipped and which is intended to be used therein as a source of power, the consignor operator shall cease to be liable when the nuclear substances have been taken in charge by the person duly authorised to operate or be in charge of that reactor.

Section 7

- a) Where nuclear substances are sent from a non-Contracting State to a nuclear installation situated in Sweden or in the territory of another Contracting State with the written consent of the operator of that installation, the latter shall be liable for

nuclear damage caused by any nuclear incident occurring in the course of the carriage, except if otherwise provided in paragraph (b) of this Section.

- b) In the case of carriage of nuclear substances from a nuclear reactor with which a ship or any other means of transport is equipped and which is intended to be used therein as a source of power, to a nuclear installation situated in Sweden or in the territory of another Contracting State, the operator of that installation shall be liable from the time when he takes charge of the nuclear substances.
- c) Liability for nuclear damage caused by a nuclear incident occurring in Sweden in the course of carriage of nuclear substances, other than carriage from or to a nuclear installation situated in Sweden or in the territory of another Contracting State, shall lie with the person authorised under the Atomic Energy Act to perform the carriage. The provisions of this Act relating to an operator of a nuclear installation situated in Sweden shall in such case apply to the person thus authorised.

Section 8

The provisions of Sections 6 and 7 of this Act on liability for nuclear damage caused by a nuclear incident in the course of carriage of nuclear substances shall apply also in respect of nuclear incidents occurring while the substances are stored incidentally to their carriage, except where the substances have been stored in a nuclear installation and the operator of that installation is liable pursuant to such contract as referred to in Section 5.

Section 9

Where nuclear damage in cases other than those governed by Sections 5-8 of this Act has been caused by nuclear substances which came from a nuclear installation situated in Sweden or in the territory of another Contracting State or, prior to the nuclear incident, had been in the course of such carriage as referred to in Section 7 of this Act, the operator who had the substances in his possession at the time of the incident shall be liable for such damage. If at the time of the incident no operator had the nuclear substances in his possession, liability shall lie with the operator who last had the substances in his possession. If an operator has accepted the liability for such nuclear damage by written contract, the liability shall lie with that operator. If prior to the nuclear incident the nuclear substances had been in the course of carriage and no operator had taken charge of the substances after the carriage was interrupted, liability shall lie with the operator who at the time when the carriage ended was liable pursuant to Section 6 or 7 of this Act for nuclear damage caused by a nuclear incident occurring in the course of the carriage.

Section 10

- a) On request of a carrier performing such carriage as referred to in Section 6 or 7 the Government, or an authority appointed by the Government, may determine that the carrier shall be liable, in place of the operator of a nuclear installation situated in Sweden, for nuclear damage caused by a nuclear incident occurring in the course of or in connection with the carriage. Such decision may be taken only if the operator concerned has consented thereto and the carrier has demonstrated that insurance has been taken out pursuant to Sections 22-26 or that other financial security has been furnished pursuant to Section 27. Where such decision has been taken, any provision of this Act relating to the operator concerned shall apply to the carrier instead of the operator in respect of nuclear incidents occurring in the course of or in connection with the carriage.
- b) Where a similar decision has been taken according to the law of another Contracting State in respect of nuclear damage for which an operator of a nuclear installation situated in that State would be liable, such decision shall under this Act have the same effect as a decision pursuant to paragraph (a) of this Section.

Section 11

- a) The operator of a nuclear installation shall be liable to pay compensation due under this Act even if there has been no fault or negligence on his part.
- b) However, the operator of a nuclear installation situated in Sweden shall not be liable under this Act for nuclear damage caused by a nuclear incident directly due to an act of war, armed conflict, civil war or insurrection or caused by a grave natural disaster of an exceptional character. The operator of a nuclear installation situated in the territory of another Contracting State shall in such case be liable only if the law of the Installation State so provides.
- c) In cases referred to in paragraph (b) of this Section liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in Section 14(b).

Section 12

- a) The operator of a nuclear installation shall not be liable under this Act for:
 1. damage to the nuclear installation itself or to another nuclear installation in its immediate vicinity, including another nuclear installation under construction,

2. damage to any property which, at the time of the nuclear incident, was on the site of the installation and was used or intended to be used in connection with a nuclear installation within the site.
- b) Where the operator of a nuclear installation situated in the territory of another Contracting State is liable for damage caused by a nuclear incident occurring in the course of carriage of nuclear substances, the question whether compensation shall be awarded for damage to the means of transport shall be governed by the law of the Installation State.
- c) In cases referred to in the preceding paragraphs of this Section liability under rules of the law of torts other than those laid down in this Act shall arise only to the extent provided for in Section 14(b).

Section 13

- a) Except as otherwise provided in this Act, compensation payable under the Act shall be fixed in accordance with the general rules of the law of torts.
- b) Where the person suffering damage has contributed thereto the operator may be exonerated, wholly or partially, from his liability only where such person has acted or omitted to act with intent to cause damage or where there has been gross negligence on his part.

Section 14

- a) Claims for compensation for nuclear damage covered by the provisions of this Act relating to compensation for such damage or by the corresponding legislation of another Contracting State may not be brought against any person other than the operator or the person providing insurance covering the liability of the operator, except as otherwise provided in Section 14a or in the second sentence of Section 16.
- b) Claims for compensation for nuclear damage for which the operator, pursuant to Section 11 or 12 of this Act or the corresponding provisions of the law of another Contracting State, is not liable can be brought only against an individual who has caused the damage by an act or omission done with intent to cause damage. The operator shall, however, be liable in accordance with the general rules of the law of torts for such damage to a means of transport as referred to in Section 12(b).
- c) Liability for nuclear damage which is not covered by the provisions on compensation in this Act or the corresponding provisions in the legislation of another Contracting State and which has arisen as a consequence of a nuclear incident occurring in the course of

carriage of nuclear substances by ship or otherwise has been caused as a consequence of the use of a ship, may not be enforced in Sweden, if the person owning or operating a nuclear installation is liable for the damage under the law of a State party to the Vienna Convention of 21st May 1963 on Civil Liability for Nuclear Damage or under such legislation in another foreign State which governs the liability for nuclear damage and which is in all respects as favourable to victims as either the Paris or Vienna Convention. With the exception of the liability of an individual who has caused the damage intentionally the previous sentence shall apply, in the cases referred to in that sentence, also with regard to nuclear damage referred to in Section 11 or Section 12(a) or to nuclear damage suffered on board the transporting ship, even if the person owning or operating the installation is not liable for the damage due to the special provisions in this regard in the Vienna Convention or provisions in applicable national law corresponding to these provisions of the Vienna Convention.

- d) Provisions on compensation out of public funds are laid down in Sections 28-35.

Section 14a

The provisions of Section 14 shall not apply to the extent their application would be incompatible with obligations undertaken by Sweden in an international agreement.

Section 15

- a) Any person who has been held liable to pay compensation for nuclear damage under an international agreement or under the law of any foreign State shall acquire by subrogation the rights of the person suffering the damage against the operator liable for the damage under this Act. Where the compensation paid relates to damage covered by a decision taken under Section 3(c) of this Act, the person liable shall have a right of recourse against the operator who would have been liable for the damage if no such decision had been taken.
- b) Any person who has his principal place of business in Sweden or in the territory of another Contracting State or who is the servant of such person and who has been held liable to pay compensation for nuclear damage for which the person suffering damage, by virtue of the provisions of Section 3, has no right to compensation under this Act shall, subject to the application, mutatis mutandis, of the provisions of the first sentence of paragraph (a) of this Section, have a right of recourse against the operator who, but for the provisions of Section 3, would have been liable for the damage; provided, however, that in the case of nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances to a non-Contracting State, the operator of the nuclear

installation from which the nuclear substances were sent shall incur no liability after the substances have been unloaded from the means of transport by which they have arrived in the non-Contracting State, and in case of nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances from a non-Contracting State the operator of the receiving installation shall incur no liability until the nuclear substances have been loaded on the means of transport by which they are to be carried from the territory of the non-Contracting State.

- c) A person who is himself liable for nuclear damage pursuant to Section 20 of this Act shall have no right of subrogation or recourse under the preceding paragraphs of this Section.

Section 16

Where a person has simultaneously suffered nuclear damage for which he is entitled to compensation under this Act and other damage, the provisions of this Act regarding liability for nuclear damage shall apply equally to such other damage if and to the extent that such damage is not reasonably separable from the nuclear damage. These provisions shall not, however, limit or otherwise affect the liability of a person other than the operator liable under this Act as regards damage caused by an emission of ionizing radiation not covered by this Act.

Section 17

- a) The liability under this Act of an operator of a nuclear installation situated in Sweden shall not exceed five hundred million kronor in respect of nuclear damage caused by any one incident. However, as regards installations solely for the production, treatment or storage of unirradiated uranium the liability is limited to one hundred million kronor per incident. The same applies to nuclear incidents that occur in the course of carriage of such uranium. The amount of liability of an operator of a nuclear installation situated outside Sweden shall be determined pursuant to the law of the Installation State. In case of a nuclear incident occurring in the course of carriage of nuclear substances the liability of the operator under this Act for damage other than damage to the means of transport shall in no case be limited to an amount less than one hundred million kronor.
- b) The amounts referred to in the preceding paragraph of this Section shall not include any interest or costs awarded by a court.

Section 18

- a) Where nuclear damage gives rise to the liability of two or more operators, they shall be jointly and severally liable to pay compensation; provided that the liability of each operator shall be limited to the amount established with respect to him pursuant

to Section 17(a). However, where the damage has arisen in the course of carriage of more than one consignment of nuclear substances carried on one and the same means of transport or while more than one consignment have been stored in one and the same nuclear installation incidentally to their carriage, the aggregate liability of the operators shall not exceed the highest amount established with respect to any of them.

- b) The apportionment of the aggregate liability as between the operators liable shall be determined with due regard to the extent to which the damage caused is attributable to each of the nuclear installations involved as well as to any other relevant circumstances.

Section 19

- a) If the maximum amount of liability applicable pursuant to Section 17(a) or Section 18(a) is not sufficient to satisfy in full the claims of those who are entitled to compensation, their compensation and any interest accruing thereto shall be reduced proportionally.
- b) If, following a nuclear incident, there are reasons to believe that a reduction pursuant to the preceding paragraph of this Section will prove necessary, the Government or an authority appointed by the Government may decide that until further notice the compensation payable shall be reduced by such percentage of the full amount of compensation as shall be determined by the Government or competent authority.

Section 20

In respect of any sum that the operator of a nuclear installation has been held liable to pay as compensation under this Act or under the corresponding legislation of another Contracting State, the operator shall have a right of recourse against any individual who has caused the damage by an act or omission done with intent to cause damage or against any person who has assumed liability for the damage under the express terms of a contract in writing with the operator. Except as otherwise provided in the second sentence of Section 16 or in Section 18(b) the operator of a nuclear installation shall in no other case have a right of recourse against any person in respect of any sum he may have paid as compensation under this Act or under the corresponding legislation of another Contracting State.

Section 21

- a) The right to bring an action for compensation for nuclear damage under Sections 5, 6, 7, 8, 9 or 15 of this Act against the operator of a nuclear installation or against the person providing insurance to cover such liability shall be extinguished if a claim for compensation has not been made against the operator within three

- years from the date at which the person suffering damage had knowledge or by observing due diligence ought reasonably to have known both of the fact that he has suffered damage entitling him to compensation under this Act and of the operator liable or, in cases referred to in Section 15(a) or (b), from the date at which the claim for compensation was made against him.
- b) The right to compensation for nuclear damage shall be extinguished if an action is not brought against the operator or his insurer within ten years from the date of the nuclear incident. In the case of nuclear damage caused by a nuclear incident involving nuclear substances which had been stolen, lost or abandoned and had not yet been recovered, no action for compensation may, however, be brought later than twenty years after the date of the theft, loss or abandonment. In cases where it is necessary in order to comply with the provisions of the Paris Convention, the Government shall determine that a person suffering damage shall, on conditions to be prescribed by the Government, retain his right to compensation, notwithstanding that he has not brought an action before a Swedish court within the period specified in this paragraph.
 - c) Provisions regarding compensation out of public funds in certain cases where the operator has ceased to be liable are laid down in Section 32.

INSURANCE

Section 22

- a) The operator of a nuclear installation situated in Sweden is required to take out and maintain insurance to cover his liability for nuclear damage under this Act or the corresponding legislation of another Contracting State up to the amount specified in Section 17(a). The insurance shall be approved by the Government or an authority appointed by the Government.
- b) Insurance may be taken out either:
 - i) to cover the liability for each nuclear incident that may occur; or
 - ii) to cover at any time the nuclear installation by an agreed amount after deduction of any sum of compensation paid out or to be paid out by the insurer under the insurance policy.
- c) Liability for damage arising in the course of carriage of nuclear substances may be covered by a separate insurance.

Section 23

- a) In cases referred to in Section 22(b)(i) the insurance amount shall be not less than the amount of liability established with respect to the operator pursuant to Section 17(a). In cases referred to in Section 22(b)(ii), the insurance amount shall be not less than one hundred and twenty per cent of the afore-mentioned amount of liability. The amount covered by the insurance policy shall not include any interest or costs awarded by a court.
- b) Where insurance has been taken out in accordance with Section 22(b)(ii) and an insurance contingency occurs which itself or together with one or more earlier contingencies is deemed likely to entail a reduction of the insurance amount below the amount of liability established with respect to the operator, the operator shall without delay take out such supplementary insurance as will bring the insurance amount up to an amount of not less than one hundred and twenty per cent of the said amount of liability.

Section 24

Any person entitled to compensation for nuclear damage shall have a right to bring an action for such compensation directly against the insurer. Except if otherwise provided in the insurance policy, the operator shall thereby be insured against any liability for nuclear damage under this Act or the corresponding legislation of another Contracting State.

Section 25

- a) If the insurance policy is cancelled or otherwise ceases to be valid, the insurer shall nevertheless, in relation to any person suffering damage, continue to be liable to pay compensation in respect of nuclear damage caused by a nuclear incident occurring within two months from the date at which the authority appointed for this purpose by the Government has been notified in writing of the time of expiry of the policy. Where the insurance policy covers liability for nuclear damage caused by a nuclear incident occurring in the course of carriage of nuclear substances and such carriage has started before the expiry of the said period, the insurer shall, however, in no case cease to be liable for such damage until the carriage has come to an end.
- b) The provisions of the preceding paragraph of this Section shall not apply with respect to nuclear incidents occurring after the day on which a new insurance contract has come into force.
- c) Except as provided in the preceding paragraphs of this Section, the insurer may in no case invoke as a defence against a claim for compensation any circumstances due to a person other than the person suffering the damage.

Section 26

The provisions of Sections 24 and 25 shall apply where an action for compensation for nuclear damage under this Act may be brought in Sweden and notwithstanding that the law of a foreign State may be applicable to the relationship between the insurer and the operator liable or that the nuclear installation involved is situated outside Sweden.

Section 27

- a) The State shall be exempted from the obligation under Section 22 to take out and maintain insurance.
- b) The Government or an authority appointed by the Government may relieve an operator from the obligation to take out insurance, provided that the operator furnishes adequate financial security to cover his obligations under this Act and under the corresponding legislation of any other Contracting State and shows that he has taken satisfactory measures to ensure the settlement of any claims for compensation.
- c) The provisions of this Act relating to insurance shall apply, mutatis mutandis, to such other financial security as referred to in the preceding paragraph of this Section or the corresponding provisions of the legislation of another Contracting State.

COMPENSATION OUT OF PUBLIC FUNDS

Section 28

- a) If a person who is entitled under this Act or the corresponding legislation of another Contracting State to obtain compensation for nuclear damage from the operator of a nuclear installation situated in Sweden shows that he has been unable to recover the compensation due from the operator's insurer, compensation shall be paid by the State.
- b) The total compensation payable under the preceding paragraph of this Section shall not exceed the maximum amount of liability established with respect to the operator pursuant to Section 17(a).

Section 29

- a) Where liability for nuclear damage lies with the operator of a nuclear installation, used for peaceful purposes and situated in Sweden or in the territory of another State Party to the Supplementary Convention and appearing at the time of the nuclear incident on the list referred to in Article 13 of the Supplementary Convention, and jurisdiction over actions for compensation lies

with Swedish courts in accordance with the provisions of Section 36 of this Act, and the amount of liability established pursuant to Section 17(a) or Section 18(a) is insufficient to satisfy the claims for compensation due, or the compensation payable has, by virtue of a decision taken under Section 19(b), been reduced to a fixed percentage of the full amount due, compensation out of public funds shall be afforded for nuclear damage suffered:

- i) in Sweden or in the territory of another State Party to the Supplementary Convention; or
 - ii) on or over the high seas on board a ship or aircraft registered in Sweden or in the territory of another State Party to the Supplementary Convention; or
 - iii) in any other case on or over the high seas by a State Party to the Supplementary Convention or by a national of such State; provided, however, that compensation shall be payable for damage to a ship or an aircraft only if such ship or aircraft was at the time of the nuclear incident registered in the territory of a State Party to the Supplementary Convention.
- b) By application of the provisions of the preceding paragraph of this Section the term "national of a State Party to the Supplementary Convention" shall include any company, association or other society, foundation or other similar body, whether corporate or not, established in the territory of such State. Any person who under the law of a State Party to the Supplementary Convention other than Sweden is considered to have his habitual residence in that State and in respect of his right to compensation under the Supplementary Convention is under that law assimilated to the nationals of that State shall under this Act be considered to be a national of a State Party to the Supplementary Convention.

Section 30

- a) Compensation out of public funds pursuant to Section 29 shall be fixed in accordance with the principles laid down in Section 11(a), Sections 12 and 13 and Section 17(b).
- b) The provisions of the first sentence of Section 15(a) and of Section 15(c) regarding rights of recourse against an operator shall apply, mutatis mutandis, to rights of recourse against the State in respect of any sum paid as compensation for nuclear damage and for which compensation is payable out of public funds under Section 29.

Section 31

- (1)
- a) The total amount of compensation for nuclear damage caused by a nuclear incident payable pursuant to Sections 5-21, 29 and 30 by an operator and the State, and payable pursuant to any such agreement as referred to in Article 15 of the Supplementary Convention, shall not exceed an amount equivalent to three hundred million Special Drawing Rights. The amount shall not include any interest or costs awarded by a court.
 - b) The expression "Special Drawing Rights" refers to the Special Drawing Rights used by the International Monetary Fund. If an action for compensation is brought, conversion shall be made from Special Drawing Rights into Swedish currency on the basis of the rate of exchange on the date of the nuclear incident, unless another date is fixed for a given incident by agreement between the States Party to the Supplementary Convention. At the conversion into Swedish currency the value of the krona shall be calculated in accordance with the method of valuation applied at the date in question by the International Monetary Fund for its operations and transactions.
 - c) If the amount that is available in accordance with the preceding paragraphs of this Section for compensation out of public funds pursuant to Sections 29 and 30 is not sufficient to satisfy in full the claims for compensation due, the amounts of compensation and any interest accruing thereto shall be reduced proportionally. The provisions of Section 19(b) shall apply, mutatis mutandis.

Section 31a

- a) Where liability for nuclear damage lies with the operator of a nuclear installation situated in Sweden and the total amount of the compensation payable pursuant to Section 17(a) and Section 18(a) and out of public funds pursuant to Sections 29-31 or otherwise pursuant to the Supplementary Convention is not sufficient to satisfy in full the claims for compensation due for damage sustained, further compensation will be paid by the State for damage suffered,
 - 1. in Sweden
 - 2. in Denmark, Finland or Norway
 - 3. otherwise on board a ship or an aircraft registered in Sweden, Denmark, Finland or Norway, or
 - 4. in any other place, if the damage was sustained by a Swedish citizen or a Swedish legal person.
- b) Compensation pursuant to paragraph (a) of this Section shall also be paid for damage in another State Party to the Supplementary Convention to the same extent as compensation in that State would be paid for nuclear damage occurring in Sweden.

not
X

- c) The total amount of the compensation payable for nuclear damage caused by a nuclear incident, for one thing pursuant to Sections 5-21 and 29-31 by an operator and the State, for another pursuant to any such agreement as referred to in Article 15 of the Supplementary Convention, and finally for another by the State pursuant to paragraphs (a) and (b) of this Section, shall not exceed three thousand million kronor. The amount referred to shall not include any interest or costs awarded by a court.
- d) As regards compensation pursuant to paragraphs (a) and (b) of this Section, the provisions of Section 30 shall apply, mutatis mutandis.
- e) If the amount that is available in accordance with paragraph (c) of this Section for compensation out of public funds is not sufficient to satisfy in full the claims for compensation due, the amounts of compensation and any interest accruing thereto shall be reduced proportionally. The provisions of Section 19(b) shall apply, mutatis mutandis.

Section 32

- a) If a nuclear incident in respect of which liability lies with the operator of a nuclear installation situated in Sweden has caused nuclear damage in Sweden, which has not come to light until after the rights of compensation against the operator have been extinguished pursuant to Section 21(b) or the corresponding provisions of the legislation of another Contracting State but within thirty years after the date of the incident, compensation for such damage shall be paid by the State. The State shall also be liable to pay compensation for nuclear damage which has come to light before the rights of compensation have been so extinguished if the person suffering the damage has failed to bring an action against the operator or to take other appropriate measures to preserve his rights within the periods applicable but has had reasonable excuses for not bringing such action or taking such measures.
- b) If compensation has been reduced pursuant to Section 19(a) and, whenever applicable, Section 31(c) and Section 31a(e) or the corresponding provisions of the legislation of another Contracting State, the compensation payable out of public funds under the present Section shall be reduced accordingly. In other respects, the liability to pay compensation shall be determined as if the operator had been liable for the damage. The right to bring an action for compensation shall be extinguished if a claim for compensation has not been made against the State, with the authority appointed for this purpose by the Government, within the period specified in Section 21(a).
- c) The Government may decide that compensation under the present Section shall be payable also in respect of nuclear damage suffered outside Sweden.

Section 33

If and to the extent that the amount of liability established with respect to the operator pursuant to Section 17(a) or Section 18(a) or the corresponding provisions of the legislation of another Contracting State and compensation out of public funds paid pursuant to Sections 29-31 or otherwise pursuant to the Supplementary Convention and pursuant to Section 31a is not sufficient to satisfy in full the claims for compensation due for nuclear damage sustained, compensation out of public funds shall be payable under terms and conditions to be determined in a special law. In such cases compensation shall also be granted to supplement compensation payable pursuant to Section 32 for nuclear damage sustained in Sweden, to the extent that such compensation has been reduced pursuant to the first sentence of Section 32(b). Compensation under the present Section shall also be granted in cases where, pursuant to a decision under Section 19(b), Section 31(c) second sentence or Section 31a(e) second sentence, the compensation to be paid has been provisionally reduced to a fixed percentage of the full amount due.

Section 34

Compensation pursuant to Sections 28, 29, 31a or 33 shall not be payable for nuclear damage caused by such nuclear incidents as referred to in Section 11(b).

Section 35

- a) In respect of any sums paid out of public funds pursuant to Section 28 the State shall have a right of recourse only against the operator, his insurer and any person against whom the operator has a right of recourse under Section 20.
- b) In respect of any sums paid out of public funds pursuant to Section 29, 31a or 33 on the grounds of the existence of a decision under Section 19(b), the State shall acquire by subrogation the right to obtain compensation from the operator that the person suffering the damage may have. With regard to any other sums paid out by the State pursuant to Sections 29-31 and 31a or otherwise paid out in accordance with the provisions of the Supplementary Convention in respect of a nuclear incident giving rise under the law of another Contracting State to the liability of the operator of a nuclear installation situated in Sweden or paid out by the State pursuant to Section 33, the State shall have a right of recourse only against an individual who has caused the damage by an act or omission done with intent to cause damage. The provisions of the present paragraph shall apply, mutatis mutandis, in respect of compensation paid out by the State pursuant to Section 32.

COMPETENT COURTS ETC.

Section 36

- a) Actions for compensation due under Sections 5, 6, 7, 8, 9 or 15 against the operator of a nuclear installation or against his insurer shall be brought before Swedish courts, if:
 - i) the nuclear incident has occurred wholly or partly in Sweden;
or
 - ii) the nuclear installation involved is situated in Sweden and either the nuclear incident has occurred wholly outside the territory of any Contracting State or the place of the nuclear incident cannot be determined with certainty.
- b) Whenever required in order to comply with the provisions of Article 13(c)(ii) of the Paris Convention the Government shall restrict the jurisdictional competence conferred upon Swedish courts under the preceding paragraph of this Section.

Section 37

- a) Jurisdiction over actions for compensation in respect of nuclear damage brought before Swedish courts pursuant to Section 36 and over actions for compensation against the State pursuant to Sections 28, 29, 31a, 32 or 33 of this Act shall lie exclusively with the court within the jurisdictional area of which the nuclear incident occurred. Where competence would thus lie with two or more courts, the action may be brought before either of them.
- b) Should there be no competent court under the preceding paragraph of this Section, the action shall be brought before the District Court of Stockholm.

Section 38

- a) Where in accordance with the provisions of the Paris Convention jurisdiction over actions for compensation for nuclear damage lies with the courts of another Contracting State, any judgment entered by such court in such action shall, as soon as the judgment has become enforceable under the law of that State, on request be enforceable also in Sweden, without the merits of the claim being subject to any further proceedings. This provision shall, however, not entail any obligation to enforce a judgment to the extent that the applicable maximum amount of liability of the operator would thereby be exceeded.
- b) An application for enforcement shall be made before the Svea Court of Appeal. The application shall have attached to it:

- i) the original judgment or a copy thereof certified by the competent public authority; and
 - ii) a declaration issued by the competent public authority of the State where the judgment was entered that the judgment relates to compensation due under the Paris Convention and that it is enforceable in that State.
- c) The above-mentioned documents shall contain a certificate concerning the due competence of the person having signed the documents. Such certificate shall be issued by a Swedish Embassy or Consul or by the Minister of Justice of the State concerned. If any of the relevant documents is in a foreign language other than Danish or Norwegian, a translation into Swedish shall be attached to the document. The correctness of the translation shall be certified by a diplomatic or consular officer or by a Swedish notary public.
- d) No application for enforcement shall be granted unless the defendant has had an opportunity to submit his comments on the application.
- e) Where the application is granted, the judgment shall be enforceable in the same manner as a judgment entered by a Swedish court, unless the Supreme Court has decided otherwise upon an appeal against the decision of the Court of Appeal.

FINAL PROVISIONS

Section 39

- a) Where nuclear substances are sent from a nuclear installation situated in Sweden to a consignee outside Sweden or to such installation from a consignor outside Sweden and under such circumstances that the operator of the said installation is liable pursuant to Section 6 or 7 for nuclear damage arising in the course of the carriage, the operator shall provide the carrier with a certificate issued by the insurer and stating the name and address of the operator, the nuclear substances and the carriage in respect of which the insurance applies as well as the amount, type and duration of the insurance. The certificate shall include a statement by the authority appointed for this purpose by the Government that the operator named therein is an operator of a nuclear installation within the meaning of the Paris Convention. The person by whom the certificate is issued shall be responsible for the correctness of the certificate as regards the name and address of the operator and the amount, type and duration of the insurance.
- b) The form of certificate to be issued under the preceding paragraph of this Section shall be established by the Government or an authority appointed by the Government.

Section 40

Any person who fails to fulfil his obligations under this Act to take out and maintain insurance or to observe such conditions for furnishing financial security as may be laid down pursuant to Section 27(b) shall be liable to fines or to imprisonment for a term not exceeding six months.

United Kingdom

THE NUCLEAR INSTALLATIONS ACT 1965

AS AMENDED

Note

i) The text below sets out the provisions of the Nuclear Installations Act 1965 in force at 30th September 1983 after modification and amendment by subsequent legislation:

- The Nuclear Installations Act 1969, Sections 1, 2 and 3
- The Atomic Energy Authority Act 1971, Sections 17(1), (2) and (3)
- The Nuclear Installations Act 1965 (Repeals and Modifications) Regulations 1974 (SI 1974 No. 2056), made under the Health and Safety at Work etc. Act 1974
- Local Government (Scotland) Act 1973 Schedule 29
- Statute Law (Repeals) Acts 1974, Schedule Part XI
- Northern Ireland (Constitution) Act 1976, Section 41(1) and Schedule 5
- The Atomic Energy (Special Constables) Act 1976, Sections 2(1) and 17(6)
- The Energy Act 1983

ii) ~~The Act was also explained, extended and modified by Sections 3(2), (3) and (4) of the Congenital Disabilities (Civil Liability) Act 1976.~~

iii) Sections 27(8), 28(5), 29(4), 33 and 37(3) of the Energy Act 1983 have continuing effect mainly to provide that certain amendments made to the Act shall not have effect in relation to incidents which occurred before 1st September 1983, when the former Act came into force.

iv) Transfer of Function Orders (SI 1969 No. 1498 and SI 1970 No. 1537) have transferred to the Secretary of State for Energy the Functions given by the Act to the Minister of Power and the Minister of Technology.

v) This is not an authoritative version of the Act. In particular, the text does not show a number of minor provisions which were repealed in relation to England, Wales and Scotland, by SI 1974 No. 2056, but which are still relevant to Northern Ireland. The authoritative version will be the Queen's Printers text, as published in the "Statutes in Force" series, when that becomes available.

NUCLEAR INSTALLATIONS ACT 1965 (c.57)

ARRANGEMENT OF SECTIONS

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Section

- 1 Restriction of certain nuclear installations to licensed sites.
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- 7 Duty of licensee of licensed site.
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- 18 General cover for compensation by virtue of ss. 7 to 10.
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- 22 Reporting of and inquiries into dangerous occurrences.
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25B Special Drawing Rights.
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SCHEDULES

- Schedule 1 Security Provisions Applicable by Order under s.2.
Schedule 2 (Not reproduced)

CONTROL OF CERTAIN NUCLEAR INSTALLATIONS AND OPERATIONS

Restriction of certain nuclear installations to licensed sites.

1. (1) Without prejudice to the requirements of any other Act, no person other than the Authority shall use any site for the purpose of installing or operating -

(a) any nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or

(b) subject to subsection (2) of this section, any other installation of such class or description as may be prescribed, being an installation designed or adapted for -

(i) the production or use of atomic energy; or

(ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or

(iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel.

unless a licence so to do (in this Act referred to as a "nuclear site licence") has been granted in respect of that site by the Health and Safety Executive* and is for the time being in force.

(2) Regulations made by virtue of paragraph (b) of the foregoing subsection may exempt, or make provision for exempting, from the requirements of that subsection, either unconditionally or subject to prescribed conditions, any installation which the Minister is satisfied is not, or if the prescribed conditions were complied with would not be, a relevant installation.

(3) Any person who contravenes subsection (1) of this section shall be guilty of an offence.

Prohibition of certain operations except under permit.

2. (1) Notwithstanding that a nuclear site licence is for the time being in force or is not for the time being required in respect thereof no person other than the Authority shall use any site -

(a) for any treatment of irradiated matter which involves the extraction therefrom of plutonium or uranium; or

(b) for any treatment of uranium such as to increase the proportion of the isotope 235 contained therein,

except under, and in accordance with the terms of, a permit in writing granted by the Authority or a government department and for the time being in force; and any fissile material produced under such a permit shall be disposed of only in such manner as may be approved by the authority by whom the permit was granted.

(1A) A permit granted under this section, unless it is granted by the Minister, shall not authorise the use of a site as mentioned in paragraph (a) or paragraph (b) of the foregoing subsection otherwise than for purposes of research and development.

(1B) Where a permit granted under this section by the Minister to a body corporate authorises such a use of a site for purposes other than, or not limited to, research and development, the Minister may by order direct that the provisions set out in Schedule 1 to this Act shall have effect in relation to that body corporate.

(1C) Any power conferred by this section to make an order shall include power to vary or revoke the order by a subsequent order; and any such power shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(1D) Any permit granted under this section by the Authority or by the Minister or any other government department may at any time be revoked by the Authority or by the Minister or that department, as the case may be, or may be surrendered by the person to whom it was granted.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and be liable -

* In Northern Ireland "the Minister" has this function. In overseas territories to which the Act is applied under section 28, the responsible authority would be determined by the relevant Order in Council.

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years or to both.

NUCLEAR SITE LICENCES

Grant and variation of nuclear site licences.

3. (1) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable.
- (2) Two or more installations in the vicinity of one another may, if the Health and Safety Executive* thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(3) Subject to subsection (4) of this section, where it appears to the Health and Safety Executive* appropriate so to do in the case of any application for a nuclear site licence in respect of any site, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say -

- (a) any local authority;
- (b) any river authority, any local fisheries committee and any statutory water undertakers within the meaning of the Water Acts 1945 and 1948;
- (c) any river purification board within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act 1951, any district board constituted under the Salmon Fisheries (Scotland) Acts 1828, to 1868, the board of commissioners appointed under the Tweed Fisheries Act 1857, and any local water authority within the meaning of the Water (Scotland) Acts 1946 and 1949; and
- (d) any other body which is a public authority;

notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence and stating that representations with respect thereto may be made to the Health and Safety Executive* by the body upon whom the notice is served at any time within three months of the date of service; and where such a direction has been given, the Health and Safety Executive* shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices.

(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station made by an electricity board within the meaning of the Electricity Acts 1947 to 1961 or of the Electricity (Scotland) Acts 1943 to 1957 or by any authorised undertakers within the meaning of the Electricity (Supply) Acts (Northern Ireland) 1882 to 1959.

(5) A nuclear site licence may include provision with respect to the time from which section 19(1) of this Act is to apply in relation to the licensed site, and where such provision is so included the said section 19(1) shall not apply until that time or the first occasion after the grant of the licence on which any person uses the site for the operation of a nuclear installation, whichever is the earlier provided that no such provision shall be so included without the consent of the Minister.

(6) The Health and Safety Executive* may from time to time vary any nuclear site licence by excluding therefrom any part of the licensed site -

- (a) which the licensee no longer needs for any use requiring such a licence; and
- (b) with respect to which the Health and Safety Executive* is satisfied that there is no danger from ionising radiations from anything on that part of the site.

Attachment of conditions to licences.

4. (1) The Health and Safety Executive* by instrument in writing shall on granting any nuclear site licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Health and Safety Executive to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision -

* In Northern Ireland, "the Minister" has this function.

1960 c.34.

- (a) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site;
- (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site;
- (c) with respect to preparations for dealing with, and measures to be taken on the happening of any accident or other emergency on the site;
- (d) without prejudice to sections 6 and 8 of the Radioactive Substances Act 1960, with respect to the discharge of any substance on or from the site.

(2) The Health and Safety Executive* may at any time by instrument in writing attach to a nuclear site licence such conditions as the Health and Safety Executive may think fit with respect to the handling, treatment and disposal of nuclear matter.

(3) The Health and Safety Executive* may at any time by a further instrument in writing vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.

(4) While a nuclear site licence remains in force in respect of any site the Health and Safety Executive* shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to it with a view to the exercise by it in relation to the site of any of its powers under the foregoing provisions of this section.

(5) At all times while a nuclear site licence remains in force, the licensee shall cause copies of any conditions for the time being in force under this section to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions.

(6) Any person who contravenes subsection (5) of this section, and, in the event of any contravention of any condition attached to a nuclear site licence by virtue of this section, the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of the said subsection (5) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £25.

Revocation and
surrender of
licences.

5. (1) A nuclear site licence may at any time be revoked by the Health and Safety Executive* or surrendered by the licensee.
- (2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Health and Safety Executive*, deliver up or account for the licence to such person as the Health and Safety Executive* may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector; and the Health and Safety Executive may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Health and Safety Executive may think fit for preventing or giving warning of any risk of injury to any person or damage to any property by ionising radiations from anything remaining on the site.
- (3) In this Act, the expression "period of responsibility" in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with whichever ever of the following dates is the earlier, that is to say -
- (a) the date when the Health and Safety Executive* gives notice in writing to the licensee that in the opinion of the Health and Safety Executive* there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on that part thereof;

* In Northern Ireland, "the Minister" has this function.

(b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part thereof is granted either to the same licensee or to some other person.

except that it does not include any period during which section 19(1) of this Act does not apply in relation to the site.

(4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence, and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of the said subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £25.

Maintenance of list of licensed sites.

6. (1) Subject to subsection (2) of this section, the Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted and including a map or maps showing the position and limits of each such site, and make arrangements for the list or a copy thereof to be available for inspection by the public; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate.

(2) The said list shall not be required to show any site or part of a site in the case of which -

(a) no nuclear site licence is for the time being in force; and

(b) thirty years have elapsed since the expiration of the last licensee's period of responsibility.

DUTY OF LICENSEE, ETC., IN RESPECT OF NUCLEAR OCCURRENCES

Duty of licensee of licensed site.

(1) Where a nuclear site licence has been granted in respect of any site, it shall be the duty of the licensee to secure that -

(a) no such occurrence involving nuclear matter as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than the licensee, 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; and

(b) no such ionizing radiations emitted during the period of the licensee's responsibility -

(i) from anything caused or suffered by the licensee to be on the site which is not nuclear matter; or

(ii) from any waste discharged (in whatever form) on or from the site,

cause injury to any person or damage to any property of any person other than the licensee.

(2) The occurrences referred to in subsection (1)(a) of this section are -

(a) any occurrence on the licensed site during the period of the licensee's responsibility, being an occurrence involving nuclear matter;

(b) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which at the time of the occurrence -

(i) is in the course of carriage on behalf of the licensee as licensee of that site; or

(ii) is in the course of carriage to that site with the agreement of the licensee from a place outside the relevant territories; and

(iii) in either case, is not on any other relevant site in the United Kingdom;

(c) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which -

(i) having been on the licensed site at any time during the period of the licensee's responsibility; or

(ii) having been in the course of carriage on behalf of the licensee as licensee of that site,

has not subsequently been on any relevant site, 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.

(3) In determining the liability by virtue of subsection (1) of this section in respect of any occurrence of the licensee of a licensed site, any property which at the time of the occurrence is on that site, being -

- (a) a nuclear installation; or
- (b) other property which is on that site -

(i) for the purpose of use in connection with the operation, or the cessation of the operation, by the licensee of a nuclear installation which is or has been on that site; or

(ii) for the purpose of the construction of a nuclear installation on that site,

shall, notwithstanding that it is the property of some other person, be deemed to be the property of the licensee.

Duty of Authority 8. Section 7 of this Act shall apply in relation to the Authority -

(a) as if any premises which are or have been occupied by the Authority were a site in respect of which a nuclear site licence has been granted to the Authority; and

(b) as if in relation to any such premises any reference to the period of the licensee's responsibility were a reference to any period during which the Authority is in occupation of those premises.

Duty of Crown in respect of certain sites. 9. If a government department uses any site for any purpose which, if section 1 of this Act applied to the Crown, would require the authority of a nuclear site licence in respect of that site, section 7 of this Act shall apply in like manner as if -

(a) the Crown were the licensee under a nuclear site licence in respect of that site; and

(b) any reference to the period of the licensee's responsibility were a reference to any period during which the department occupies the site.

Duty of certain foreign operators. 10. (1) In the case of any nuclear matter which is not excepted matter and which -

(a) is -

(i) in the course of carriage on behalf of a relevant foreign operator; or

(ii) in the course of carriage to such an operator's relevant site with the agreement of that operator from a place outside the relevant territories,

and is not for the time being on any relevant site in the United Kingdom; or

(b) having been on such an operator's relevant site or in the course of carriage on behalf of such an operator, has not subsequently been on any relevant site 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 such as is mentioned in subsection (2) of this section 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.

(2) The occurrences referred to in the foregoing subsection are -

(a) an occurrence taking place wholly or partly within the territorial limits of the United Kingdom; or

(b) an occurrence outside the said territorial limits which also involves nuclear matter in respect of which a duty is imposed on any person by section 7, 8 or 9 of this Act.

Duty of 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 the United Kingdom on behalf of any person (hereafter in this section referred to as "the responsible party") and -

(a) the carriage is not relevant carriage; and

(b) the nuclear matter is not for the time being on any relevant site,

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 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 ss. 7 to 10.

12. (1) Where any injury or damage has been caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act -

(a) subject to sections 13(1), (3) and (4), 15 and 17(1) of this Act, compensation in respect of that injury or damage shall be payable in accordance with section 16 of this Act 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.

(3A) Subject to subsection (4) of this section, where damage to any property has been caused which was not caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act but which would have been caused in breach of such a duty if in subsection (1)(a) or (b) of the said section 7 the words 'other than the licensee' or in subsection (1) of the said section 10 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 shall 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.

(4) Subject to section 13(5) of this Act, nothing in subsection (1)(b) or in subsection (3A) of this section shall affect -

1924 c.22.

(a) (repealed by Carriage of Goods by Sea Act 1971);

1932 c.36.
1961 c.27.
1962 c.43.

(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 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. (1) Subject to subsections (2) and (5) of this section, compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 7, 8, 9 or 10 thereof if the injury or damage -
- (a) was caused by such an occurrence as is mentioned in section 7(2)(b) or (c) or 10(2)(b) of this Act which is shown to have taken place wholly within the territorial limits of one, and one only, of the relevant territories other than the United Kingdom; or
 - (b) was incurred within the territorial limits of a country which is not a relevant territory.
- (2) In the case of a breach of a duty imposed by section 7, 8 or 9 of this Act, subsection (1)(b) of this section shall not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in the United Kingdom.
- (3) Compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 10 of this Act in respect of such carriage as is referred to in subsection (1)(a)(ii) of that section unless the agreement so referred to was expressed in writing.
- (4) The duty imposed by section 7, 8, 9, 10 or 11 of this Act -
- (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 the United Kingdom; but
 - (b) shall 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 a duty imposed by section 7, 8, 9 or 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 international conventions referred to in the Acts mentioned in section 12(4) of this Act; or
 - (b) the occurrence took place or the injury or damage was incurred within the territorial limits of 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, subject to subsection (5A) of this section, as would have been available to him if -
- (i) 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; and
 - (ii) subsection (1) of this section had not been passed.
- (5A) The amount that a person may claim by virtue of subsection (5) of this section shall not exceed the amount of the payment made by him and, in the case of a claim made by virtue of paragraph (b) of that subsection, shall not exceed the amount applicable under section 16(1) or (2) of this Act to the person subject to the duty in question.
- (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 7, 8, 9 or 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

1956 c.46.

(1) A claim under this Act in respect of any occurrence such as is mentioned in section 7(2)(b) or (c), 10 or 11 of this Act which constitutes a breach of a person's duty under section 7, 8, 9, 10 or 11 of this Act shall not give rise to any lien or other right in respect of any ship or aircraft: and the following provisions of the Administration of Justice Act 1956 (which relate to the bringing of actions in respect of ships or aircraft in England and Wales, Scotland and Northern Ireland respectively), that is to say -

(a) section 3(3) and (4);

(b) section 47; and

(c) paragraph 3(3) and (4) of Part I of Schedule 1,

1894 c.60.

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.

(2) Subsection (1) of this section shall have effect in relation to any claim notwithstanding that by reason of section 16 of this Act no payment for the time being falls to be made in satisfaction of the claim.

BRINGING AND SATISFACTION OF CLAIMS

Time for bringing claims under ss. 7 to 11.

15. (1) Subject to subsection (2) of this section and to section 16(3) of this Act, but notwithstanding anything in any other enactment, a claim by virtue of any of sections 7 to 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 thirty 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, or was one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, the date of the last event in the course of that occurrence or succession of occurrences 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 7, 8, 9 or 10 of 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 ss. 7 to 10.

16. (1) The liability of any person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 8 or 9 thereof shall not require him to make in respect of any one occurrence constituting a breach of that duty payments by way of such compensation exceeding in the aggregate, apart from payments in respect of interest or costs, £20 million or, in the case of the licensees of such sites as may be prescribed, £5 million*.

(*Note: Section 27(8) of the Energy Act 1983 provides that the liability limit of £5 million for prescribed sites, and the general limit of £20 million, shall not affect liability in respect of any occurrence before (or beginning before) the commencement of that Act - ie 1 September 1983. In respect of such occurrences, the limit of £5 million originally set by the 1965 Act would apply.)

(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase either or both of the amounts specified in subsection (1) of this section; but an order under this subsection shall not affect liability in respect of any occurrence before (or beginning before) the order comes into force.

(2) A relevant foreign 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) if he would not have been required to make that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant foreign law made for purposes corresponding to those of section 7, 8 or 9 of this Act; or

(b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant foreign law made for purposes corresponding to those of section 15(1) of this Act and has not been made available under section 18 of this Act or by means of a relevant foreign contribution.

(3) Any claim by virtue of a duty imposed on any person by section 7, 8, 9 or 10 of this Act -

(a) to the extent to which, by virtue of subsection (1) or (2) of this section, though duly established, it is not or would not be payable by that person; or

(b) which is made after the expiration of the relevant period; or

(c) which, being such a claim as is mentioned in section 15(2) of this Act, is made after the expiration of the period of twenty years so mentioned; or

(d) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1) of this Act,

shall be made to the appropriate authority, that is to say -

(i) in the case of a claim by virtue of the said section 8, the Minister of Technology;*

(ii) in the case of a claim by virtue of the said section 9 (other than a claim in connection with a site used by a department of the Government of Northern Ireland), the Minister in charge of the government department concerned;

(iii) in any other case, the Minister,

and, if established to the satisfaction of the appropriate authority, and to the extent to which it cannot be satisfied out of sums made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, shall be satisfied by the appropriate authority to such extent and out of funds provided by such means as Parliament may determine.

(4) Where in pursuance of subsection (3) of this section a claim has been made to the appropriate authority, any question affecting the establishment of the claim or as to the amount of any compensation in satisfaction of the claim may, if the authority thinks fit, be referred for decision to the appropriate court, that is to say, to whichever of the High Court, the Court of Session and the High Court of Justice in Northern Ireland would, but for the provisions of this section, have had jurisdiction in accordance with section 17(1) and (2) of this Act to determine the claim; and the claimant may appeal to that court from any decision of the authority on any such question which is not so referred; and on any such reference or appeal -

(a) the authority shall be entitled to appear and be heard; and

(b) notwithstanding anything in any Act, the decision of the court shall be final.

(5) In this section, the expression "the relevant period" means the period of ten years beginning with the relevant date within the meaning of section 15(1) of this Act.

Jurisdiction,
shared liability
and foreign
judgments.

17. Subject to subsection (5A) of this section

(1) No court in the United Kingdom or any part thereof shall have jurisdiction to determine any claim or question under this Act certified by the Minister to be a claim or question which, under any relevant international agreement, falls to be determined by a court of some other relevant territory or, as the case may be, of some other part of the United Kingdom; and any proceedings to enforce such a claim which are commenced in any court in the United Kingdom or, as the case may be, that part thereof shall be set aside.

(2) Where under the foregoing subsection the Minister certifies that any claim or question falls to be determined by a court in a particular part of the United Kingdom, that certificate shall be conclusive evidence of the jurisdiction of that court to determine that claim or question.

* Now the Secretary of State for Energy

(3) Where by virtue of any one or more of the following, that is to say, sections 7, 8, 9 and 10 of this Act and any relevant foreign law made for purposes corresponding to those of any of those sections, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in the United Kingdom relating to that injury or damage, including proceedings for the enforcement of a judgment registered under the Foreign Judgments (Reciprocal Enforcement) Act 1933 -

(a) both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage; and

(b) until claims against each of those persons in respect of the occurrence by virtue of which the person in question is liable for that injury or damage have been satisfied -

(i) in the case of a licensee, the Authority or the Crown, up to an aggregate amount equal to that applicable to the person in question under section 16(1) of this Act.

(ii) in the case of a relevant foreign operator, up to such aggregate amount, as may be provided for by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act,

no sums in excess of those required for the purposes of sub-paragraph (i) of this paragraph shall be required to be made available under section 18 of this Act for the purpose of paying compensation in respect of that injury or damage.

(4) Part I of the said Act of 1933 shall apply to any judgment given in a court of any foreign country which is certified by the Minister 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 section 4 of that Act subsections (1)(a)(ii), (2) and (3) were omitted.

(5) It shall be sufficient defence to proceedings in the United Kingdom against any person for the recovery of a sum alleged to be payable under a judgment given in a country outside the United Kingdom 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 Acts mentioned in section 12(4) of this Act.

(5A) Subsection (5) of this section shall not have effect where the judgment in question is enforceable in the United Kingdom in pursuance of an international agreement.

(6) Where, in the case of any claim by virtue of section 10 of this Act, the relevant foreign operator is the government of a relevant territory, then, for the purposes of any proceedings brought in a court in the United Kingdom 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, or in Scotland the execution of diligence, against the property of that government.

COVER FOR COMPENSATION

General cover for compensation by virtue of ss. 7 to 10.

*18. (1) In the case of any occurrence in respect of which one or more persons 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 any of those sections, but subject to subsections (2) to (4B) of this section and to sections 17(3)(b) and 21(1) of this Act, there shall be made available out of moneys provided by Parliament such sums as, when aggregated -

(a) with any funds required by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act to be available for the purpose of satisfying claims in respect of that occurrence against any licensee or relevant foreign operator; and

* Section 28(5) of the Energy Act provides that the amendment made by that Act to this section shall not affect incidents occurring, or beginning to occur, before the coming into force of that Act (1 September 1983). For such occurrences, the original provisions of section 18 would apply.

(b) in the case of a claim by virtue of any such foreign law, with any relevant foreign contributions towards the satisfaction of claims in respect of that occurrence,

may be necessary to ensure that all claims in respect of that occurrence made within the relevant period and duly established, excluding, but without prejudice to, any claim in respect of interest or costs, are satisfied up to the aggregate amount specified in subsection (1A) of this section.

(1A) The aggregate amount referred to in subsection (1) of this section is the equivalent in sterling of 300 million special drawing rights on -

(a) the day (or first day) of the occurrence in question, or

(b) if the Secretary of State certifies that another day has been fixed in relation to the occurrence in accordance with an international agreement, that other day.

(1B) 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 (1A) of this section; but an order under this subsection shall not have effect in respect of an occurrence before (or beginning before) the order comes into force.

(2) Subsection (1) of this section shall not apply to any claim by virtue of such a relevant foreign law as is mentioned in that subsection in respect of injury or damage incurred within the territorial limits of a country which is not a relevant territory or to any claim such as is mentioned in section 15(2) of this Act which is not made within the period of twenty years so mentioned.

(3) Where any claim such as is mentioned in subsection (1) of this section is satisfied wholly or partly out of moneys provided by Parliament under that subsection, there shall also be made available out of moneys so provided such sums as are necessary to ensure the satisfaction of any claim in respect of interest or costs in connection with the first-mentioned claim.

(4) In relation to liability by virtue of any relevant foreign law, there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the expiration of any period of limitation imposed by that law and permitted by a relevant international agreement.

(4A) Where -

(a) a relevant foreign law provides in pursuance of a relevant international agreement for sums additional to those referred to in subsection (1)(a) of this section to be made available out of public funds, but

(b) the maximum aggregate amount of compensation for which it provides in respect of an occurrence in pursuance of that agreement is less than that specified in subsection (1A) of this section,

then, in relation to liability by virtue of that law in respect of the occurrence, subsection (1) of this section shall have effect as if for the reference to the amount so specified there were substituted a reference to the maximum aggregate amount so provided.

(4B) Where a relevant foreign law does not make the provision mentioned in subsection (4A)(a) of this section, then in relation to liability by virtue of that law in respect of any occurrence -

(a) subsection (1) of this section shall not have effect unless the person (or one of the persons) liable is a licensee, the Authority or the Crown; and

(b) if a licensee, the Authority or the Crown is liable, subsection (1) shall have effect as if for the reference to the amount specified in subsection (1A) there were substituted a reference to the amount which would be applicable to that person under section 16(1) of this Act in respect of the occurrence (or, if more than one such person is liable, to the aggregate of the amounts which would be so applicable) if it had constituted a breach of duty under section 7, 8 or 9 of this Act.

(5) Any sums received by the Minister by way of a relevant foreign contribution towards the satisfaction of any claim by virtue of section 7, 8, 9 or 10 of this Act shall be paid into the Exchequer.

(6) In this section, the expression "the relevant period" has the same meaning as in section 16 of this Act.

Special cover
for licensee's
liability.

19. (1) Subject to section 3(5) of this Act and to subsection (3) of this section, where a nuclear site licence has been granted in respect of any site, the licensee shall make such provision (either by insurance or by some other means) as the Minister may with the consent of the Treasury approve for sufficient funds to be available at all times to ensure that any claims which have been or may be duly established against the licensee as licensee of that site by virtue of section 7 of this Act or any relevant foreign law made for purposes corresponding to those of section 10 of this Act (excluding, but without prejudice to, any claim in respect of interest or costs) are satisfied up to the required amount in respect of each severally of the following periods, that is to say -

(a) the current cover period, if any;

(b) any cover period which ended less than ten years before the time in question;

(c) any earlier cover period in respect of which a claim remains to be disposed of, being a claim made -

(i) within the relevant period within the meaning of section 16 of this Act; and

(ii) in the case of a claim such as is mentioned in section 15(2) of this Act, also within the period of twenty years so mentioned;

and for the purposes of this section the cover period in respect of which any claim is to be treated as being made shall be that in which the beginning of the relevant period aforesaid fell.

(1A) In this section "the required amount", in relation to the provision to be made by a licensee in respect of a cover period, means an aggregate amount equal to the amount applicable under section 16(1) of this Act to the licensee, as licensee of the site in question, in respect of an occurrence within that period.

(2) In this Act, the expression "cover period" means, subject to subsection (2A) of this section, the period of the licensee's responsibility or, if a direction has been given in respect of the site under subsection (4) of this section, any of the following periods, that is to say -

(a) the period beginning with the grant of the nuclear site licence and ending with the date specified in the first such direction;

(b) the period beginning with the date specified in any such direction and ending with the date specified in the next such direction, if any;

(c) the period beginning with the date specified in the last such direction and ending with the ending of the period of the licensee's responsibility;

and for the purposes of this definition the period of the licensee's responsibility shall be deemed to include any time after the expiration of that period during which it remains possible for the licensee to incur any liability by virtue of section 7(2)(b) or (c) of this Act, or by virtue of any relevant foreign law made for purposes corresponding to those of section 10 of this Act.

(2A) When the amount applicable under section 16(1) of this Act to a licensee of a site changes as the result of -

(a) the coming into force of an order under section 16(1A) or of regulations made for the purposes of section 16(1), or

(b) an alteration relating to the site which brings it within, or takes it outside, the description prescribed by such regulations

the current cover period relating to him as licensee of that site shall end and a new cover period shall begin.

(3) Where in the case of any licensed site the provision required by subsection (1) of this section is to be made otherwise than by insurance and, apart from this subsection, provision would also fall to be so made by the same person in respect of two or more other sites, the requirements of that subsection shall be deemed to be satisfied in respect of each of those sites if funds are available to meet such claims as are mentioned in that subsection in respect of all the sites collectively, and those funds would for the time being be sufficient to satisfy the requirements of that subsection in respect of those two of the sites in respect of which those requirements are highest:

Provided that the Minister may in any particular case at any time direct either that this subsection shall not apply or that the funds available as aforesaid shall be of such amount higher than that provided for by the foregoing provisions of this subsection, but lower than that necessary to satisfy the requirements of the said subsection (1) in respect of all the sites severally, as may be required by the direction.

(4) Where, by reason of the gravity of any occurrence which has resulted or may result in claims such as are mentioned in subsection (1) of this section against a licensee as licensee of a particular licensed site, or having regard to any previous occurrences which have resulted or may result in such claims against the licensee, the Minister thinks it proper so to do, he shall by notice in writing to the licensee direct that a new cover period for the purposes of the said subsection (1) shall begin in respect of that site on such date not earlier than two months after the date of the service of the notice as may be specified therein.

(5) If at any time while subsection (1) of this section applies in relation to any licensed site the provisions of that subsection are not complied with in respect of that site, the licensee shall be guilty of an offence and be liable -

(a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;

(b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

Furnishing of
information
relating to
cover.

20 (1) In the case of each licensed site, the licensee shall give notice in writing to the Minister forthwith upon its appearing to the licensee that the aggregate amount of any claims such as are mentioned in section 19(1) of this Act made in respect of any cover period falling within the period of the licensee's responsibility has reached three-fifths of the required amount within the meaning of section 19, and where the licensee has given such a notice, no payment by way of settlement of any claim in respect of the cover period in question by agreement between the licensee and the claimant shall be made except after consultation with the Minister and in accordance with the terms of any direction which the Minister may give to the licensee in writing with respect to any particular claim.

(2) If in the case of any licensed site any cover falling within the period of the licensee's responsibility has ended, the licensee shall not later than 31st January in each year send to the Minister in writing a statement showing the date when that cover period ended and the following particulars of any claims in respect of that cover period as at the beginning and end respectively of the last preceding calendar year, that is to say -

(a) the aggregate number of claims received;

(b) the aggregate number of claims established; and

(c) the aggregate number and aggregate amount of claims satisfied.

(3) The Minister shall as soon as may be lay before each House of Parliament a copy of any notice received by him under subsection (1) of this section and a report (in such form as, having regard to section 16 of this Act, he may consider appropriate) with respect to any statements received by him under subsection (2) of this section.

(4) Any person by whom any funds such as are mentioned in section 19(1) of this Act for the time being fall to be provided shall give to the Minister not less than two months notice in writing before ceasing to keep those funds available and, notwithstanding any such notice, so far as those funds relate to nuclear matter for the time being in the course of carriage, shall not so cease while that carriage continues.

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 -

(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 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.

(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.

(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 fifty pounds.

(4) The party 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.

* Section 28(5) of the Energy Act 1983 provides that this new figure shall not apply to any incident occurring, or beginning to occur, before that Act came into force (1 September 1983).

(4A) Subsection (3) of this section shall not apply where the carriage in question is wholly within the territorial limits of the United Kingdom.

1960 c.16.

(5) The requirements of Part VI of the 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 for which any person is liable by virtue of section 7, 8, 9 or 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 -
- (a) on a licensed site; or
 - (b) 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 7, 10 or 11 of this Act.
- (2) The licensee or person aforesaid shall cause the occurrence to be reported forthwith in the prescribed manner to the Health and Safety Executive*** 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 licensee or person aforesaid shall be guilty of an offence.

(Note: Sub-sections (3), (4) and (5) are not reproduced. They were repealed by SI 1974 No 2056 in respect of England, Scotland and Wales and now apply only to Northern Ireland. They allowed the Minister to order special reports and inquiries into accidents.)

Registration in
connection with
certain
occurrences.

23. (1) Without prejudice to any right of any person to claim against any person by virtue of any of sections 7 to 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 any 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; and any such order shall be made by statutory instrument and be laid before Parliament after being made.
- (2) In the foregoing subsection, the expression "the appropriate authority" means, in relation to any occurrence, the authority hereinafter specified in relation to the person against whom any claim in respect of that occurrence falls to be made, that is to say -
- (a) where that person is the Authority, the Minister of Technology;**
 - (b) where that person is the Crown, the Minister in charge of the government department concerned;
 - (c) in any other case, the Minister.

Inspectors.

- 24.* (1) The Minister may appoint as inspectors to assist him in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he 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 Minister may with the approval of the Treasury 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 -
- (a) subject to subsection (3) of this section, enter -
 - (i) at all reasonable times during the period of the licensee's responsibility, upon any premises comprised in any licensed site; or

* This Section 24 is the provision originally made in the 1965 Act for the inspection of nuclear installations. It was repealed in respect of England, Scotland and Wales by S.I. 1974 No 2056 when the Safety and Health Executive took over the inspection functions in those countries. The original section remains operative in respect of Northern Ireland and to any overseas territories to which it may be applied under Section 28.

** Now the Secretary of State for Energy

*** In Northern Ireland, the Minister.

(ii) at all reasonable times, upon any premises comprised in any site which is being used for such purposes that, but for regulations made by virtue of section 1(2) of this Act, a nuclear site licence would be required in respect thereof,

with such equipment, and carry out such tests and inspections, as the inspector may consider necessary or expedient;

(b) require -

(i) the licensee of any licensed site; or

(ii) the person using any site as mentioned in paragraph (a)(ii) of this subsection; or

(iii) any person with duties on or in connection with any licensed site or any site being used as aforesaid,

to provide the inspector with such information, or to permit him to inspect such documents, relating to the use of the site as the inspector may specify;

(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 the licensee or other 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.

(3) Before carrying out any test in pursuance of his powers under subsection (2)(a) of this section, the inspector shall consult with such persons having duties upon the site as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.

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

(5) Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable -

(a) on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both;

(b) on conviction on indictment, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

(6) In such cases and to such extent as it may appear to the Minister, with the agreement of the Treasury, to be appropriate so to do, the Minister shall require a licensee to repay to the Minister such part as may appear to the Minister to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of -

(a) any sums paid by the Minister under subsection (1) of this section; and

(b) any expenses, being -

(i) expenses incurred by the Minister; or

(ii) expenses incurred by any other government department in connection with the Ministry of Power*; or

(iii) such sums as the Treasury may determine in respect of the use for the purposes of that Ministry of any premises belonging to the Crown,

which the Minister may, with the consent of the Treasury, determine to be incurred in connection with the exercise by the Minister of his powers under the said subsection (1),

and the licensee shall comply with such requirement; and any sums so repaid to the Minister shall be paid into the Exchequer.

* See Section 27 as to the meaning of this in relation to Northern Ireland.

(7) Any liability of a licensee in respect of sums payable by him under subsection (6) of this section on account of pensions shall, if the Minister so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.

1974 c.37. 24.* (1) The Secretary of State may appoint as inspectors for the purpose of assisting him in the execution of the provisions of this Act, other than provisions which are mentioned in Schedule 1 to the Health and Safety at Work etc Act 1974, such number of persons appearing to him to be qualified for the purpose as he 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 Secretary of State may with the approval of the Minister for the Civil Service determine.

1974 c.37. (2) Any such inspector may for that purpose exercise such of the powers set out in section 20(2) of the Health and Safety at Work etc. Act 1974 as are specified in his instrument of appointment and the provisions of sections 28 (restrictions on disclosure of information), 33 (offences) and 39 (prosecutions by inspectors) of that Act shall apply in the case of inspectors so appointed as they apply in the case of inspectors appointed under section 19 of that Act.

(3) In such cases and to such extent as it may appear to the Secretary of State, with the agreement of the Treasury, to be appropriate so to do the Secretary of State shall require a licensee to repay to the Secretary of State such part as may appear to the Secretary of State to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of -

1974 c.37. (a) any sum paid at any time by the Secretary of State or the Health and Safety Executive by way of remuneration, allowances or other payments to inspectors, whether appointed under this Act or under the Health and Safety at Work etc Act 1974, in respect of the enforcement and execution of this Act; and

(b) any expenses, whenever incurred, being -

(i) expenses incurred by the Secretary of State; or

(ii) expenses incurred by the Health and Safety Commission or Executive; or

(iii) expenses incurred by any government department; or

(iv) such sums as the Treasury may determine in respect of the use of any premises belonging to the Crown,

which the Secretary of State may, with the consent of the Treasury, determine to be incurred in connection with the enforcement or execution of this Act,

and the licensee shall comply with such requirement; and any sums so repaid to the Secretary of State shall be paid into the Consolidated Fund, except that in so far as sums so repaid relate to sums paid or expenses incurred by the Health and Safety Commission or Executive, they shall be paid to that Executive.

(4) Any liability of a licensee in respect of sums payable by him under subsection (3) of this section on account of pensions shall, if the Secretary of State so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Minister for the Civil Service, by reference to remuneration.

Offences
general.

25 (1) Where a body corporate is guilty of an offence under section 2(2) or 19(5) 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; and where the body corporate was guilty of the offence in the capacity of licensee under a nuclear site licence, he shall be so liable as if he, as well as the body corporate, were the licensee.

* This version of Section 24 applies in England, Wales and Scotland. It was substituted for the original version by S.I. 1974 No 2056.

** In Northern Ireland, sub-section 1 applies to offences under any of the provisions of the Act.

In this subsection, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(2) Where a body corporate is convicted on indictment of an offence under any of the following provisions of this Act, that is to say, sections 2(2) and 19(5), so much of the provision in question as limits the amount of the fine which may be imposed shall not apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

(3) Proceedings in respect of any offence under section 2(2) or 19(5) of this Act shall not be instituted in England or Wales except by the Minister or by or with the consent of the Director of Public Prosecutions.

- Orders. 25A The power to make orders under section 16(1A), 18(1B) or 21(1A) of this Act shall be exercisable by statutory instrument; but no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.
- Special drawing rights. 25B (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 shall 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,
- shall be conclusive evidence of those matters for the purposes of subsection (1) of this section; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, 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 and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.
- Interpretation. 26. (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say -
- 1959 c.46. "the Act of 1959" means the Nuclear Installations (Licensing and Insurance) Act 1959;
- 1946 c.80. "atomic energy" has the meaning assigned by the Atomic Energy Act 1946;
- "the Authority" means the United Kingdom Atomic Energy Authority;
- "contravention", in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly;
- "costs" in the application of this Act to Scotland, means expenses;
- "cover period" has the meaning assigned by section 19(2) of this Act;
- "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 scientific or educational 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, in such circumstances as may be prescribed (or, for the purposes of the application of this Act to a relevant foreign operator, as may be excluded from the operation of the relevant international agreement by the relevant foreign law);

"home territory", in relation to a relevant foreign 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" in sections 4(5) and 5(2) of this Act means an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc 1974;

1974 c.37.

"licensed site" means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force;

"licensee" means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force;

"the Minister" means -

(a) in the application of this Act to England and Wales, the Minister of Power;*

(b) in the application of this Act to Scotland, the Secretary of State;

"nuclear installation" means a nuclear reactor or an installation such as is mentioned in section 1(1)(b) of this Act.

"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;

"nuclear reactor" means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons;

"nuclear site licence" has the meaning assigned by section 1(1) of this Act;

"occurrence" in sections 16(1) and (1A), 17(3) and 18 of this Act -

(a) in the case of a continuing occurrence, means the whole of that occurrence; and

(b) in the case of an occurrence which is one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, means all those occurrences collectively;

"period of responsibility", in relation to a licensee, has the meaning assigned by section 5(3) of this Act;

"prescribed" means prescribed by regulations made by the Minister of Power* and the Secretary of State acting jointly which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament;

* This function is now that of the Secretary of State for Energy (S.I. 1969 No 1498 and S.I. 1970/1537)

"relevant carriage", in relation to nuclear matter, means carriage on behalf of -

- (a) a licensee as the licensee of a particular licensed site; or
- (b) the Authority; or
- (c) a government department for the purposes of such use of a site by that department as is mentioned in section 9 of this Act; or
- (d) a relevant foreign 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 foreign 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 other than the United Kingdom towards the satisfaction of that claim;

"relevant foreign judgment" means a judgment of a court of a relevant territory other than the United Kingdom which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories;

"relevant foreign law" means the law of a relevant territory other than the United Kingdom or any part thereof regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant foreign operator, means the law such as aforesaid of his home territory;

"relevant foreign operator" means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory other than the United Kingdom;

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

"relevant site" means any of the following, that is to say -

- (a) a licensed site at any time during the period of the licensee's responsibility;
- (b) any premises at any time when they are occupied by the Authority;
- (c) any site at any time when it is occupied by a government department, if that site is being or has been used by that department as mentioned in section 9 of this Act;
- (d) any site in a relevant territory other than the United Kingdom at any time when that site is being used for the operation of a relevant installation by a relevant foreign operator;

"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 foreign operator; or
- (b) any law is the relevant foreign 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 Minister.

(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.

Northern
Ireland.

27.* (1) In the application to Northern Ireland of the following provisions of this Act (hereinafter in this section referred to as "the designated provisions"), that is to say, sections 1 to 6 and 22 to 24 and [Schedules 1 and 2] -

(a) any reference to the Minister shall be construed as a reference to the Minister of Commerce for Northern Ireland;

1954 c.33 (N.I.)

(b) the expression "prescribed" shall mean prescribed by regulations made by the said Minister of Commerce, which shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954;

(c) any reference to the Treasury shall be construed as a reference to the Ministry of Finance for Northern Ireland;

(d) any reference to Parliament shall be construed as a reference to the Parliament of Northern Ireland;

1954 c.33 (N.I.)

(dd) in section 2(1) and in section 2(1D) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and in section 2(1C), for the words from "and any such power" onwards there shall be substituted the words "and any order under this section shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954";

(e) for section 3(3)(b) and (c) there shall be substituted the following, that is to say -

1945 c.17 (N.I.)

"(b) any board of conservators for a fishery district constituted under the Fisheries Acts (Northern Ireland) 1842 to 1954 and any statutory water undertaking within the meaning of the Water Supplies and Sewerage Act (Northern Ireland) 1945";

(f) section 23(1) shall have effect as if the words "be made by statutory instrument and" were omitted;

(g) in section 24(6) -

(i) references to the Ministry of Power or to the Crown shall be construed as references respectively to the Ministry of Commerce for Northern Ireland or to the Crown in right of Her Majesty's Government in Northern Ireland;

(ii) for the words from "and any sums" onwards there shall be substituted the words "and any sums so repaid to the Ministry of Commerce shall be treated as part of the revenues of that Ministry";

(h) in [Schedule 2], any reference to a master of the Supreme Court or to the High Court shall be construed respectively as a reference to the taxing master of the Supreme Court of Northern Ireland or to a judge of the High Court of Justice in Northern Ireland.

(2) In the application to Northern Ireland of any provision of this Act other than the designated provisions -

(a) any reference to the Minister shall be construed as a reference to the Minister of Power;

(b) any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland;

(c) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland.

* The amendments made to the Act by the Energy Act 1983 apply to Northern Ireland.

(3) In relation to a department of the Government of Northern Ireland using any site as mentioned in section 9 of this Act -

(a) references in this Act to the Crown shall be construed as references to the Crown in right of Her Majesty's Government in Northern Ireland;

(b) references in this Act to the Minister in charge of that department shall be construed as references to the Minister of the Government of Northern Ireland so in charge.

1960 c.16.

1930 c.34 (E.I.)

(4) In the application to Northern Ireland of section 21(5) of this Act, the reference to Part VI of the Road Traffic Act 1960 shall be construed as a reference to Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1930 as amended or re-enacted (with or without modification) by an subsequent enactment of the Parliament of Northern Ireland for the time being in force.

(5) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except -

(a) in the case of an offence under any of the designated provisions, by the said Minister of Commerce; or

(b) in the case of any other offence, by the Minister of Power; or

(c) in either case, by or with the consent of the Attorney General for Northern Ireland.

(6) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

(7)

Channel Islands, 28
Isle of Man, etc.

(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible.*

(2) Any Order in Council made by virtue of this section may be varied or revoked by any subsequent Order in Council so made.

S.28 extended (E.W.)(N.I.) by Congenital Disabilities (Civil Liability) Act 1976 (c.26). s.4(6)

Repeals and 29.
savings.

(1)

(2) Anything done under or by virtue of any enactment repealed by this Act shall be deemed for the purposes of this Act to have been done under or by virtue of the corresponding provision of this Act, and anything begun under any of the enactments so repealed may be continued under the corresponding provision of this Act.

(3) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein

(4) Nothing in this section shall be construed as affecting the general application of section 38 of the Interpretation Act 1889 with respect to the effect of repeals.

1889 c.63.

Short title and 30.
commencement.

(1) This Act shall come into force on such day as Her Majesty may by Order in Council appoint; and a later day may be appointed for the purposes of section 17(5) than that appointed for the purposes of the other provisions of this Act.

* The Congenital Disabilities (Civil Liability) Act 1976, and the Energy Act 1983, provide that the amendments made by them to the Act may be extended to overseas territories by Orders made under this section.

SCHEDULE 1

SECURITY PROVISIONS APPLICABLE BY ORDER UNDER S.2

1. In this Schedule "the specified body corporate", in relation to an order made under section 2 of this Act, means the body corporate specified in that order, as being a body to whom the Minister has granted a permit as mentioned in subsection (1B) of that section, and "site to which a permit applies" means a site in respect of which a permit so granted to the specified body corporate is for the time being in force.
- 1911 c.28.
2. For the purposes of section 2 of the Official Secrets Act 1911, any office or employment under the specified body corporate shall be deemed to be an office under Her Majesty and any contract with the specified body corporate shall be deemed to be a contract made on behalf of Her Majesty.
- (3) (1) Every site to which a permit applies shall, for the purposes of section 3(c) of the Official Secrets Act 1911 (which provides that places belonging to or used for the purposes of Her Majesty may be declared by order of the Secretary of State to be prohibited places for the purposes of that Act), be deemed to be a place belonging to or used for the purposes of Her Majesty.
 - (2) No person other than -
 - (a) a constable acting in the execution of his duty as such, or
 - (b) an officer of customs and excise or inland revenue, acting in the execution of his duty as such, or
 - (c) an inspector appointed under section 24 of this Act, or
 - (cc) an inspector appointed under section 19 of the Health and Safety at Work etc Act 1974 and specially authorised in that behalf by or on behalf of a Minister of the Crown, or
 - (d) an officer of any government department specially authorised in that behalf by or on behalf of a Minister of the Crown,
- 1974 c.37.
- shall, except with the consent of the specified body corporate and in accordance with any conditions imposed by them, be entitled to exercise any right of entry (whether arising by virtue of any statutory provision or otherwise) upon any site which is for the time being declared to be a prohibited place by virtue of an order made under the said section 3(c) as extended by the preceding sub paragraph;
- Provided that any person aggrieved by a refusal of the specified body corporate to consent to, or by conditions imposed by that body on, the exercise of any such right of entry may apply to the Minister who may, if he thinks fit, himself authorise the exercise of the right subject to such conditions, if any, as he may think fit to impose.
- 1923 c.11.
4. (1) Section 3 of the Special Constables Act 1923 (which, as subsequently amended and extended, provides for the appointment of persons nominated by the Defence Council to be special constables within certain places and limits, and, in particular, in and within fifteen miles of premises in the possession or under the control of the Defence Council) shall have effect as if all premises in the occupation or under the control of the specified body corporate were premises under the control of the Defence Council.
 - (2) In relation to any premises in the occupation or under the control of the specified body corporate, the powers of nomination conferred on the Defence Council by that section as applied by sub-paragraph (1) of this paragraph shall be exercisable also by the Authority.
- 1860 c.135.
- (3) For the purposes of section 2 of the Metropolitan Police Act 1860 (which limits the use of the powers of special constables to property of the Crown in certain circumstances) any property of the specified body corporate shall be deemed to be property of the Crown; and in this sub-paragraph property of the specified body corporate includes property which (though not owned by them) is in their possession or under their control and property which has been unlawfully removed from their possession or control.

5. (1) The specified body corporate shall comply with any directions which the Minister may give to them for the purpose of safeguarding information in the interests of national security; and a direction under this sub-paragraph may in particular require the specified body corporate to terminate the employment of any person specified in the direction who is an officer of, or employed by, that body or may require that body not to appoint a person so specified to be an officer of, or to any employment under, that body.
- (2) The specified body corporate shall also comply with any directions given to them by the Minister with respect to the safe-keeping of material of any description specified in the directions, whether in the interests of national security or of safety.
- (3) The Minister may with the approval of the Treasury make grants out of moneys provided by Parliament for reimbursing to the specified body corporate, in whole or in part, any expenses incurred by that body in complying with any directions given under sub-paragraph (1) of this paragraph and any directions given under sub-paragraph (2) of this paragraph with respect to the safe-keeping of material in the interests of national security.
6. (1) Except with the consent of the Minister the specified body corporate shall not terminate on security grounds the employment of any person employed by them.
- (2) In this paragraph "security grounds" means grounds which are grounds for dismissal from the civil service of Her Majesty, in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.
7. In the application of this Schedule to Northern Ireland -
- (a) in paragraph 3(2)(d) the reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and
- (b) in paragraph 4(1), for the reference to section 3 of the Special Constables Act 1923 there shall be substituted a reference to paragraph 1(2) of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947.

1923 c.11.
1947 c.10 (11 &
12 Geo. 6).

SCHEDULE 2

(Schedule 2 is not reproduced. It contains provisions relating to the conduct of inquiries into nuclear incidents. It was repealed as regards England, Wales and Scotland by SI 1979 No 2056. For these countries, inquiries would now be conducted under the provisions of the Health and Safety at Work etc Act 1974.

The provisions of the schedule remain applicable, however, to Northern Ireland and to any overseas territory to which they may be applied under Section 28.)