STATUTORY INSTRUMENTS

1977 No. 429

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Nuclear Installations (Isle of Man) Order 1977

Made - - - - *9th March* 1977
Coming into Operation *9th March* 1977

At the Court of Saint James, the 9th day of March 1977
Present,
The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(**a**), was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred by section 28(1) of the Nuclear Installations Act 1965(**b**), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Nuclear Installations (Isle of Man) Order 1977 and shall come into operation on 9th March 1977.

2.—(1) In this Order "the Isle of Man" means the Isle of Man and the territorial waters adjacent thereto.

(2) In this Order "the Act" means (without prejudice to paragraph 1(a) of the Schedule to this Order) the Nuclear Installations Act 1965 as amended by or under the Nuclear Installations Act 1969(**c**), the Atomic Energy Act 1971(**d**) or any subsequent enactment.

(3) The Interpretation Act 1889(**e**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Sections 10 to 17, 21 to 26 and 30 of the Act and Schedule 2 thereto shall extend to the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh,
Clerk of the Privy Council.

(**a**) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2).
(**b**) 1965 c. 57.
(**c**) 1969 c. 18.
(**d**) 1971 c. 11.
(**e**) 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF SECTIONS 10 TO 17, SECTIONS 21 TO 26 AND SECTION 30 OF THE NUCLEAR INSTALLATIONS ACT 1965 TO THE ISLE OF MAN

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

(*a*) the Nuclear Installations Act 1965 etc. (Repeals and Modifications) Regulations 1974(a) (repeals and modifications consequential on the Health and Safety at Work etc. Act 1974(b)) had not been made, and

(*b*) any reference therein to any provision of the Act or of any other enactment were a reference to that provision as it has effect in the Isle of Man.

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

"10. In the case of any nuclear matter which is not excepted matter and which—

(*a*) is in the course of carriage on behalf of a relevant operator; or

(*b*) is in the course of carriage to such an operator's relevant installation with the written agreement of that operator from a place outside the relevant territories; or

(*c*) having been in such an operator's relevant installation or in the course of carriage on behalf of such an operator, has not subsequently been in any relevant installation or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

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

3. In section 11 for the words "United Kingdom" there shall be substituted the words "Isle of Man" and for sub-paragraphs (*a*) and (*b*) there shall be substituted the words "the carriage is not relevant carriage".

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

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

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

(*b*) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.".

5. Section 12(3A) shall be omitted.

6. In section 12(4)—

(*a*) the words "or in subsection (3A)" shall be omitted;

(*b*) paragraph (*a*) shall be omitted;

(*c*) in paragraph (*c*) the reference to an Act shall include a reference to an Act of Tynwald.

(a) S.I. 1974/2056 (1974 III, p. 8005). (b) 1974 c. 37.

7. In section 13—

(*a*) subsections (1) to (3) shall be omitted;

(*b*) in subsection (4)—

(i) the words "7, 8 and 9," shall be omitted;

(ii) in paragraph (*a*) for the words "United Kingdom" there shall be substituted the words "Isle of Man";

(iii) in paragraph (*b*) after the word "shall" there shall be inserted the words "subject to section 16(2) of this Act";

(*c*) for subsection (5) there shall be substituted the following subsection:—

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

(*a*) the payment is made in pursuance of any of the following five international Conventions, that is to say, the draft Convention (setting out rules relating to bills of lading) of the International Conference on Maritime Law held at Brussels in October 1922, as amended in October 1923, the Convention for the unification of certain rules relating to international carriage by air concluded at Warsaw on 12th October 1929, the Warsaw Convention as amended at The Hague in 1955, the Convention Supplementary to the Warsaw Convention held at Guadalajara in 1961 for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier and the Convention on the Contract for the international carriage of goods by road signed at Geneva on 19th May 1956, or

(*b*) the injury or damage was incurred in a country which is not a relevant territory and the payment is made by virtue of a law of that country and by a person who has his principal place of business in a relevant territory or is acting on behalf of such a person,

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

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

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

9. Section 14(2) shall be omitted.

10. In section 15(1)—

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

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

(*c*) for the word "thirty" there shall be substituted the word "ten";

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

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

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

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

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

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

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

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

14. In section 17(1)—

(*a*) for the words "United Kingdom or any part thereof" there shall be substituted the words "Isle of Man";

(*b*) the words "or, as the case may be, of some other part of the United Kingdom" shall be omitted;

(*c*) for the words "the United Kingdom or as the case may be that part thereof" there shall be substituted the words "Isle of Man".

15. In section 17(2) for the words "in a particular part of the United Kingdom" there shall be substituted the words "of a relevant territory".

16. For section 17(3) there shall be substituted the following subsection:—

"(3) Where by virtue of section 10 of this Act and of any relevant law, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in the Isle of Man relating to that injury or damage including proceedings for the enforcement of a judgment registered under the Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (an Act of Tynwald) both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage, provided that, where such liability is incurred as a result of an occurrence involving nuclear matter in the course of carriage in one and the same means of transport, the maximum total amount for which such persons shall be liable, apart from payments in respect of interest or costs, shall not exceed the highest amount required to be available by the relevant law, together with such amounts, if any, as fall to be made available by means of relevant contributions.".

17. In section 17(4) for the words "Part I of the said Act of 1933" there shall be substituted the words "Part I of the said Act of 1968".

18. In section 17(5) for the words "United Kingdom" in both places where they occur, there shall be substituted the words "Isle of Man" and for the word "Acts" there shall be substituted the word "enactments".

19. In section 17(6) for the words "United Kingdom" there shall be substituted the words "Isle of Man" and the word "foreign" and the words "or in Scotland the execution of diligence" shall be omitted.

20. For section 21(1) there shall be substituted the following subsection:—

"(1) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for

that carriage is duly established against any person by virtue of section 10 of this Act, then no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by the relevant law or which have been made available by means of a relevant contribution such as to prevent the satisfaction out of those funds up to an aggregate of £2,100,000 of all claims which have been or may be duly established against the same person in respect of injury or damage caused by that occurrence other than damage to the said means of transport.".

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

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

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

23. Section 21(4) shall be omitted.

24. In section 21(5) for the words "Part VI of the Road Traffic Act 1960" there shall be substituted the words "Part IV of the Road Traffic Act 1963 (an Act of Tynwald)" and the words "7, 8, 9 or" shall be omitted.

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

26. In section 22(2)—

(*a*) the words "licensee or" in both places where they occur shall be omitted;

(*b*) for the word "Minister" there shall be substituted the word "Board".

27. Section 22(3) shall be omitted.

28. In section 22(4) and (5) for any reference to the Minister there shall be substituted a reference to the Board.

29. For section 22(6) there shall be substituted the following subsection:—

"(6) In this section, in sections 23 and 24 of this Act and in the Schedule hereto "the Board" means the Isle of Man Local Government Board and in this section "prescribed" means prescribed by regulations of the Board.

30. In section 23(1)—

(*a*) for the words "any of sections 7 to 11", there shall be substituted the words "section 10 or 11";

(*b*) for the words "any of those sections" there shall be substituted the words "either of those sections";

(*c*) the words after "proved" shall be omitted.

31. In section 23(2) for the words from "the authority hereinafter" to the end of the subsection there shall be substituted the words "the Board".

32. In section 24(1) for the first reference to the Minister there shall be substituted a reference to the Board and the words from "and may make" to the end of the subsection shall be omitted.

33. In section 24(2), paragraphs (*a*) and (*b*) shall be omitted and in paragraph (*d*) for the words "the licensee or other" there shall be substituted the word "any".

34. Section 24(3) shall be omitted.

35. In section 24(4), the words "(*a*) or" and "(*b*) or" shall be omitted.

36. In section 24(5), for the word "Minister" there shall be substituted the word "Board".

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

38. In section 25 the words after "accordingly" to the end of the section shall be omitted.

39. In section 26(1)—

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

(*b*) in the definition of "excepted matter" there shall be substituted for paragraph (*d*) the following paragraph:—

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

(*c*) in the definition of "home territory" the word "foreign" shall be omitted:

(*d*) for the definition of "occurrence" there shall be substituted the following definition:—

' "occurrence" in sections 16 and 17(3) of this Act means, in the case of a continuing occurrence, the whole of that occurrence';

(*e*) for the definition of "prescribed" there shall be substituted the following definition:—

' "prescribed", except in section 22 of this Act, means prescribed by regulations having effect in Great Britain';

(*f*) in the definition of "relevant carriage" paragraphs (*a*) to (*c*) shall be omitted and in paragraph (*d*) the word "foreign" shall be omitted;

(*g*) from the words "relevant foreign contribution" the word "foreign" and in the definition the words "other than the United Kingdom" shall be omitted;

(*h*) in the definition of "relevant foreign judgment" for the words "United Kingdom" there shall be substituted the words "Isle of Man";

(*i*) from the words "relevant foreign law" the word "foreign" and in the definition the words "other than the United Kingdom or any part thereof" and "foreign" shall be omitted;

(*j*) from the words "relevant foreign operator" the word "foreign" and in the definition the words "other than the United Kingdom" shall be omitted.

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

41. For section 30(2) there shall be substituted the following subsection:—

"(2) This Act except for section 17(5) shall come into force on 9th March 1977 and section 17(5) of this Act shall come into force on such later day as the Governor may appoint.".

42. Schedule 1 shall be omitted.

43. In Schedule 2—

(*a*) in paragraph 1 for the word "Minister" there shall be substituted the word "Board";

(*b*) paragraph 2 shall be omitted;

(*c*) in paragraph 5 for the word "Minister" there shall be substituted the word "Board" and for the words from "a court of record" to the end of the paragraph there shall be substituted the words "the High Court";

(*d*) in paragraph 6 for any reference to "the Minister" there shall be substituted a reference to "the Board" and for the word "Parliament" there shall be substituted the word "Tynwald";

(*e*) in paragraph 7 the words "or, in Scotland, the Court of Session" the words "or Court of Session" and the words "or, as the case may be, the Court of Session" shall be omitted;

(*f*) paragraph 8 shall be omitted.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order extends to the Isle of Man, with the exceptions, adaptations and modifications specified in the Schedule, those provisions of the Nuclear Installations Act 1965, as amended, which relate to the duty in respect of the carriage of nuclear matter, to the right to compensation for breach of that duty and to the bringing and satisfaction of claims and certain ancillary provisions.

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