STATUTORY INSTRUMENTS

1987 No. 668

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Nuclear Installations (Isle of Man) (Variation) Order 1987

Made - - - - *7th April 1987*

Coming into force *7th May 1987*

At the Court at Windsor Castle, the 7th day of April 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 28 of the Nuclear Installations Act 1965(**a**), as extended by section 4(6) of the Congenital Disabilities (Civil Liability) Act 1976 (**b**) and section 33 of the Energy Act 1983(**c**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

1. This Order may be cited as the Nuclear Installations (Isle of Man) (Variation) Order 1987 and shall come into force on 7th May 1987.

2.—(1) The Nuclear Installations (Isle of Man) Order 1977(**d**) shall be varied in accordance with the provisions of the Schedule to this Order.

(2) This Article shall not have effect in respect of any occurrence before (or beginning before) the commencement of this Order.

G.I. de Deney
Clerk of the Privy Council

(**a**) 1965 c. 57; section 17 was repealed in part by Part II of Schedule 4 to the Energy Act 1983; sections 17, 21 and 26 were amended by sections 31, 29 and 32 respectively of that Act and sections 25A and 25B were inserted by section 30 of that Act.
(**b**) 1976 c. 28.
(**c**) 1983 c. 25.
(**d**) S.I. 1977/429.

SCHEDULE

Article 2

VARIATIONS TO THE NUCLEAR INSTALLATIONS (ISLE OF MAN) ORDER 1977

1. In Article 2(2), for "the Atomic Energy Act 1971" there shall be substituted "the Atomic Energy Authority Act 1971(a), the Energy Act 1983".

2. After Article 3 there shall be inserted the following Article:–

"4. Section 3 of the Congenital Disabilities (Civil Liability) Act 1976 shall extend to the Isle of Man with the following exceptions, adaptations and modifications, that is to say–

(a) any reference to the Nuclear Installations Act 1965 or to any provision of that Act shall be construed as a reference to that Act or to that provision as it has effect in the Isle of Man;

(b) subsection (1) shall be omitted;

(c) in subsection (2), for "that Act" there shall be substituted "the Nuclear Installations Act 1965";

(d) in subsection (3), for "any of sections 7 to 11" there shall be substituted "section 10 or 11"; and

(e) at the end there shall be added the following subsection:–

"(6) In this section–

(a) references to a child being born disabled or with disabilities are to its being born with any deformity, disease or abnormality, including predisposition (whether or not susceptible of immediate prognosis) to physical or mental defect in the future; and

(b) "born" means born alive (the moment of a child's birth being when it first has a life separate from its mother), and "birth" has a corresponding meaning.".".

3.—(1) The Schedule shall be varied in accordance with the following provisions of this paragraph.

(2) In paragraph 6, sub-paragraph (b) shall be omitted.

(3) In paragraph 7(c), in subsection (5)(a)–

(a) for the word "five" in the first line there shall be substituted the word "four"; and

(b) the words from "the draft convention" to the words "October 1923," shall be omitted.

(4) After paragraph 18 there shall be inserted the following paragraph:–

"18A. In section 17(5A), for "United Kingdom" there shall be substituted "Isle of Man".".

(5) In paragraph 20, for "of £2,100,000" there shall be substituted "amount which is the equivalent in sterling (on the day, or first day, of that occurrence) of 5 million special drawing rights".

(6) After paragraph 20 there shall be inserted the following paragraph:–

"20A. In section 21(1A), for "Secretary of State may with the approval of the Treasury" there shall be substituted "Department may with the approval of the Secretary of State".".

(7) In paragraph 23, after "21(4)" there shall be inserted "and (4A)".

(8) For paragraph 24, there shall be substituted the following paragraph:–

"24. In section 21(5), after "requirements of" there shall be inserted "any enactment of Tynwald corresponding to" and "7, 8, 9 or" shall be omitted.".

(9) In paragraphs 26, 28, 31, 32, 36 and 43, for "Board" in each place where it occurs there shall be substituted "Department".

(10) In paragraph 29, for the subsection there set out there shall be substituted the following subsection–

"(6) In this section, in sections 21, 23 and 24 of this Act and in the Schedule hereto, "the Department" means the Department of Local Government and the Environment (a Board of Tynwald) and in this section "prescribed" means prescribed by regulations of the Department.".

(11) After paragraph 38 there shall be inserted the following paragraphs:–

"38A. Section 25A shall be omitted.

38B. In section 25B–

(a) 1971 c. 11.

(a) in subsection (3), for "Consolidated Fund" there shall be substituted "General Revenue of the Isle of Man"; and

(b) at the end there shall be added the following subsection:–

"(4) In this section, "Treasury" means the Board of Tynwald established by the Treasury Act 1985 (an Act of Tynwald).".".

EXPLANATORY NOTE

(This note is not part of the Order)

The Nuclear Installations (Isle of Man) Order 1977 extends certain provisions of the Nuclear Installations Act 1965 to the Isle of Man, with exceptions, adaptations and modifications. The present Order varies that Order so as to extend to the Isle of Man (i) amendments to those provisions effected by the Energy Act 1983 and (ii) section 3 of the Congenital Disabilities (Civil Liability) Act 1976 (disabled birth due to radiation), with exceptions, adaptations and modifications.

This Order also makes minor amendments to the Schedule to the 1977 Order consequential upon the Carriage of Goods by Sea Act 1974 (an Act of Tynwald) and the Statutory Bodies (Transfer of Functions) Act 1969 (an Act of Tynwald).