

NUCLEAR
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Contents

<i>Legislative and Regulatory Activities</i>	6
<hr/>	
<i>Case Law and Administrative Decisions</i>	24
<hr/>	
<i>International Organisations and Agreements</i>	28
<hr/>	
<i>Miscellaneous</i>	34
<hr/>	
<i>Texts</i>	35
<hr/>	

European Nuclear Energy Agency

Organisation for Economic Co-operation and Development



FOREWORD

The increasing number of nuclear installations now being commissioned, often for industrial operation, has given rise to problems of growing importance in the application of nuclear law. In various countries, laws and regulations are being prepared or revised. Generally, these texts are designed to interpret and apply, on a national basis, the uniform rules and recommendations which have been adopted internationally. It would be unfortunate if their implementation, which obviously depends on particular national circumstances, should result in maintaining or aggravating the differences which were meant to be avoided.

Therefore it seems useful to provide as much information as possible, to administrative and industrial circles, on legislation and case law in other countries having the same interests and similar concepts, as well as on the work of international organisations. This information should facilitate the continuing efforts for harmonisation which remain necessary.

With this object in mind, ENEA has undertaken publication of a Nuclear Law Bulletin. This Bulletin will include information only, taken whenever possible from official sources, without however expressing any doctrinal views. As far as possible, accounts of legislative work and case decisions will be completed by "in extenso" publication, in English and French, of the most important texts.

Regular publication of the Nuclear Law Bulletin can be achieved only with the kind co-operation of correspondents from competent departments in the different countries or international organisations. The network of these correspondents needs to be enlarged still further. We should like to thank most sincerely the many lawyers who have enabled us to publish the first issue of the Bulletin.

The frequency of publication of the Bulletin will depend on the amount of information and texts relating to nuclear law. It is expected that two to four issues per year will be published.

LEGISLATIVE AND REGULATORY ACTIVITIES

● *Austria*

RADIATION PROTECTION

After a long period of preparatory work, complicated among other things by questions of a constitutional nature, the stage of the final drafting amendments to the Austrian Bill on radiological protection has now been reached. In view of the fact that the final form of the Bill has not yet been decided, only a short, provisional account is given below.

The Bill on radiological protection concerns the handling of radioactive materials, the use of "installations and equipment emitting radiation" and the official monitoring of the ambient environment for radioactive pollution.

"Installations and equipment emitting radiation" means equipment designed to produce ionizing radiations, and equipment in the operation of which ionizing radiation is involved, insofar as such radiation is not caused by nuclear transformation. The Bill imposes various obligations as to authorisation and declaration of installations handling radioactive materials or using installations and equipment emitting radiation. Each handling operation involving radioactive materials and "installation and equipment emitting radiation" also requires such authorisation. In the event of imminent danger threatening human health and life, the Authority can order various measures, including that of prohibiting an enterprise from continuing its activity.

The third part of the Bill concerns general requirements for radiological protection. The fourth part is devoted to official monitoring of the air, precipitations, water, soil, foodstuffs, and agricultural products for radioactive pollution. The final provisions specify various categories of offence in the case of breach of the provisions of the Bill.

• *Belgium*

RADIATION PROTECTION

Royal Decree of 22nd May 1967 (Belgian Official Gazette of 2nd September, 1967).

This Royal Decree amends the Royal Decree of 28th February 1963, relating to the General Regulations for the Protection of the Public and of Workers against the hazards of Ionizing Radiation.

This Royal Decree introduces changes in :

- (a) the prerequisites for commissioning or bringing into operation a Class I or Class II establishment - (Article 15) authorisation to commission or to bring into operation shall be granted only if the operator of the establishment is recognised as the operator of a nuclear installation in accordance with the Act of 18th July 1966, which made the basic rules of the Paris Convention on Third Party Liability in the Field of Nuclear Energy applicable in Belgium;
- (b) the conditions for authorising the transit of radioactive substances through Belgium (Article 43) in cases not covered by the Paris Convention, transit authorisation will be granted to persons or bodies established in Belgium only if such persons or bodies undertake to compensate directly and in full the victim of any incident that may occur.

Amendments to the General Regulations for the Protection of the Public and of Workers against the hazards of ionizing radiation are currently being drafted; they cover the following questions :

- (a) Protection by prevention of contamination [Article 27(4)];
- (b) Conditions governing the possession and use of radioactive substances for medical purposes (Chapter VI, Articles 51 to 55);
- (c) Prior authorisations required for incorporating radioactive substances in foodstuffs or medicaments, for research purposes; for treating foodstuffs for human or animal consumption by ionizing radiation in order to inhibit germination or eliminate parts or certain germs, or for importing foodstuffs so treated; and for using ionizing radiation to sterilise medical or surgical supplies including surgical dressings or ligatures, or for importing supplies so treated (Article 65);
- (d) Adaptation of the Regulations in line with the amendments to the basic Euratom Standards as published in the Official Journal of the European Communities of 26th November 1966.

All these modifications will shortly be submitted to the Council concerned with Safety, Health and Hygiene, and Environmental Improvement of Workplaces, an advisory body required to express its Opinion to the Government on the above amendments. Once this Opinion has been given, the amendments must be submitted to the Ministers concerned and to the Council of State before taking effect.

THIRD PARTY LIABILITY

By virtue of an Act dated 1st August 1966, Belgium approved the Paris Convention, the Brussels Supplementary Convention and the Additional Protocols to these Conventions.

Problems of third party liability in the field of nuclear energy are presently regulated by the Provisional Act of 18th July 1966. Moreover, a Bill of wider scope is being prepared and is now under consideration by the competent departments of the Belgian Ministry of Economic Affairs.

COVER FOR NUCLEAR HAZARDS

The drafting of the Act on the Control of Nuclear Insurance began in 1967 and will continue in 1968.

• *France*

REGIME OF NUCLEAR INSTALLATIONS

Orders of 6th December 1966 and 25th January 1967, of the Minister Delegate responsible for Scientific Research, Nuclear and Space Questions. (Official Gazette of the French Republic, 29th March 1967)

Pursuant to Section 2(3) and (7) of the Decree of 11th December 1963, concerning nuclear installations, these Orders fix the levels below which factories undertaking the preparation, fabrication or conversion of radioactive materials, and installations intended for the storage or depositing of these same materials, are not considered to be basic nuclear installations. [The complete text of these two Orders is reproduced under the heading "Texts" in the current issue of the Nuclear Law Bulletin.]

Decree No. 67.964 of 24th October 1967. (Official Gazette of the French Republic, 1st November 1967).

Pursuant to Section 5 of the Act of 19th December 1917, as amended, concerning dangerous, unhealthy or noxious establishments, this Decree entirely recasts, as regards radioactive substances, the nomenclature of dangerous establishments previously drawn up in the Decree of 15th April 1958 and subsequent amendments.

The purpose of this new text is to exclude from the scope of application of the legislation on dangerous establishments (Act of 19th December 1917) those establishments which undertake the preparation, fabrication or conversion of radioactive substances or which store such materials, and are above the levels fixed by the Orders of 6th December 1966 and 25th January 1967 referred to above.

Above these levels, therefore, establishments fall within the scope of the Regulations governing basic nuclear installations (Decree of 11th December 1963), while those below these levels come within the scope of legislation concerning classified establishments.

(Act of 19th December 1917). /The complete text of this Decree is reproduced under the heading "Texts" of the current issue of the Nuclear Law Bulletin.⁷

RADIATION PROTECTION

Decree No. 66.450 of 20th June 1966. (Official Gazette of the French Republic, 30th June 1966).

This Decree, based on a report by the Minister Responsible for Atomic Questions, directly applies the revised Euratom basic standards.

Although it is very general in scope, since it applies to all activity involving exposure to ionizing radiation, it introduces into French law, in a way that leaves no room for doubt, the basic standards of Euratom. The circular of 6th March 1962 (Official Gazette of the French Republic, 7th March 1962) concerning the application in France of the basic standards of Euratom can therefore be regarded as partially abrogated.

The purpose of the Decree is to fix equivalents of the maximum permissible dose for different categories of persons and for the population at large, and general principles regarding protection and monitoring. It also includes, in annex, definitions of terms to be used, the classification of radioisotopes, and maximum permissible concentration in water and in inhaled air.

It is binding on all persons, whether public or private, and thus constitutes the basic text to which the various Ministries concerned can add their own regulations.

It will be noted that on certain points this Decree is not in conformity with the basic standards of Euratom. Indeed, it takes into account the most recent recommendations of the I.C.R.P. which are not yet included in the Euratom Directives.

Decree No. 67.228, 15th March 1967. (Official Gazette of the French Republic, 22nd March 1967)

This Decree, laying down administrative regulations relating to the protection of workers against ionizing radiation hazards, replaces the previous Regulations* in order to take account of the changes resulting from developments in safety standards, technical progress and the wide variety of equipment used in industry. It is mainly concerned with medical workers in the public and private sectors and workers in industrial and commercial establishments.

However, its scope of application is limited to small establishments, that is, to those which are not considered as basic nuclear installations by virtue of the Decree of 11th December 1963. A similar Decree will be applicable to large establishments. This Decree implements both the Labour Code (Article 67) and the Decree of 20th June 1966.

* Decree of 5th December 1934 and its two implementing Orders of 26th December 1934.

Among the general provisions covering all operations involving a radiation or contamination hazard, the Decree makes provision for administrative measures and technical measures concerning the controlled area and measures of a medical nature relating to staff working therein.

With regard to administrative measures, any employer who has in his possession an electrical apparatus generating ionizing radiations, or a natural radioactive substance, must declare this fact to the Labour and Manpower Inspector and to the Central Service for protection against Ionizing Radiations, and declare what protective and detecting devices he has available.

In order to have in his possession an artificial radioactive substance, the employer must obtain authorisation from the "Commission interministérielle des radioéléments artificiels" (Interministerial Committee on Artificial Radioelements) who advises the Minister for Social Affairs of this authorisation. Radioactive sources and electrical apparatus generating ionizing radiations must be used under the supervision of a competent person appointed by the employer. A statement kept constantly up to date must show the characteristics of and changes to the source, the work carried out, and the staff employed for this purpose.

At the technical level, the employer is required to utilise protection and monitoring devices. He must mark out a controlled area around the sources and equipment generating ionizing radiations and ensure protection of the staff detailed to this area against external radiation or radioactive contamination, by means of shielding, movable screens, personal protection devices and equipment (personal dosimeters), etc. The employer is further required to perform monitoring tests on sealed and unsealed sources and to monitor the environment.

From a medical standpoint, the Decree lays down measures to be taken concerning staff in the controlled area: apart from periodic suitability checks and medical examinations, each worker must have a special medical record drawn up by the industrial medical officer, which must be preserved throughout the lifetime of the person concerned and at any event for at least 30 years after the end of the period of exposure to radiation.

A constantly updated card index, kept at the disposal of the labour and manpower Inspector must show, for each worker, the dates and duration of absences caused by sickness, and hematological examinations, special examinations and X-ray examinations carried out.

The Decree also lays down (Title III) a number of specific provisions for protection, with special reference to the use of sealed or unsealed sources and X-ray equipment.

Title IV of the Decree relates to specific measures applicable to public and private establishments dealing with prevention, diagnosis, care and treatment, and private medical consulting rooms and dental surgeries. The declaration formalities must be complied with through the Director of Health and Welfare for the Département, who informs the Central Service for Protection against Radiation and the labour and manpower Inspector. These three authorities are informed of authorisations to possess artificial radioactive substances, issued by the Minister of Social Affairs after receipt of an Opinion from the Interministerial Committee on Artificial Radioelements.

The Annexes contain definitions, the distribution of the main radioisotopes arranged in order of relative radiotoxicity, the maximum permissible dose equivalents, the quality factors and maximum permissible neutron flux values and maximum permissible concentrations.

Order of the Ministry of Social Affairs of 24th August 1967. —
(Official Gazette, 1st September 1967).

This Order sets up a Committee attached to the Ministry of Social Affairs responsible for studying questions submitted to it by the Ministry, concerning protection against ionizing radiation (Committee for Protection against Ionizing Radiation).

This Committee comprises:

1. Six ex-officio members:
 - the Director General of Public Health or his representative;
 - the Director General of Labour and Employment or his representative;
 - the Director General of the National Institute of Health and Medical Research or his representative;
 - the Head of the Central Service for Pharmacy and Medicaments or his representative;
 - the Head of the Central Service for Protection against Ionizing Radiation or his representative;
 - a Representative of the Commissariat à l'Energie Atomique (French Atomic Energy Commission).
2. Three members appointed for a three-year renewable term by the Minister of Social Affairs on the basis of proposals made respectively by the Minister of the Armed Forces, the Minister of National Education and the Minister for Industry.
3. Nine members also appointed for a period of three years by the Minister of Social Affairs on account of their personal qualifications.

The Chairman of the Committee is appointed by the Minister of Social Affairs for a three-year term of office.

Ministerial Order of the Minister of Social Affairs, the State Minister in charge of Scientific Research, Atomic and Spatial Questions, and the Minister of National Education, 10th November 1967. (Official Gazette, 27th November 1967).

This Order refers to the professional qualifications of physicians who may be authorised to use artificial radioelements in unsealed sources for medical purposes.

The Order lays down the conditions which physicians must meet in order to be granted authorisation by the Minister of Social Affairs to handle artificial radioelements in unsealed sources.

either: This authorisation may only be given to physicians who are

- holders of the Certificate of studies in this field, issued by the Faculties of Medicine and joint Faculties of Medicine and Pharmacy; or
- in possession of a Ministerial authorisation for the general use of radioelements in unsealed sources for medical purposes; or
- holders of the Certificate of studies preparatory to research, intended for radioelement users in the C.N.R.S. (National Scientific Research Centre) or the Institut National d'Hygiène (National Institute of Hygiene) and the C.E.A. (French Atomic Energy Commission).

Physicians having five years of continuous practice in the use of these substances in unsealed sources under the responsibility of an authorised physician can also obtain this authorisation after having passed an oral examination organised by l'Institut National des Sciences et Techniques Nucléaires (National Nuclear Science and Technology Institute) in order to test their technical ability.

CARRIAGE OF RADIOACTIVE MATERIALS

Order of the Secretary of State for Transport of 1st July 1966 (Official Gazette of the French Republic, 8th and 9th July 1966).

This Order entirely recasts Class IV b (radioactive materials) of the Regulation of 15th April 1945, on the carriage of dangerous materials, to take into account the recommendations of the International Atomic Energy Agency in Vienna, revised in 1964.

The principal change is the inclusion of norms applicable to the carriage of fissile materials, and specifications applying to packaging and containers and methods of testing the same. Certain provisions concerning measures to be taken in the event of incidents or accidents have also been incorporated in the Regulations.

Order of the Minister of Transport of 17th June 1967, (Official Gazette of the French Republic, 9th August 1967)

This Order adapts the Regulations to take into account certain amendments made in the Recommendations by the International Atomic Energy Agency, either by the Board of Governors or by the Agency itself in 1966, notably concerning new packaging and containers for highly radioactive sources.

THIRD PARTY LIABILITY

A Bill on third party liability in the field of nuclear energy was approved by the Cabinet on 17th January 1968 and is scheduled to be brought before the Parliament in the near future. As soon as this text is made public, it will be distributed as a supplement to the Bulletin.

• *Germany*

THIRD PARTY LIABILITY

In the Federal Ministry for Scientific Research, which is competent for nuclear legislation, two bills were drafted in 1967 preparing the ratification of the two International Conventions on Third Party Liability for Nuclear Damage signed by the Federal Government. One is a bill for the ratification of the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 29th July 1960 and of the Brussels Convention Supplementary to the Paris Convention of 31st January 1963, as amended by the Additional Protocols of 28th January 1964. The second bill drafted to amend the German Atomic Energy Act of 23rd December 1959 contains the numerous modifications of German legislation which are deemed necessary for the proposed ratification of the Conventions on Third Party Liability for Nuclear Damage. In the course of 1967 these two drafts were submitted for discussion and advice to the Federal Ministries concerned, to representatives from the Laender governments, to the German Atomic Energy Advisory Committee, an advisory body, to the Federal Ministry for Scientific Research, and to the main associations for trade and industry. On the basis of the results of these discussions the Federal Ministry for Scientific Research is now revising the bills. They are to be submitted to Parliament by summer of this year, if possible.

RADIATION PROTECTION

In the field of radiation protection the Federal Ministry for Scientific Research will soon submit to the Federal Government for decision the draft Third Amendment to the First Radiation Protection Ordinance of 24th June 1960 as amended and promulgated on 15th October 1965. This amendment is mainly intended to incorporate into German legislation the provisions of Article 15, 17, 18, 19 and 20 of the Directives established by the Council of the European Atomic Energy Community of 27th October 1966* and to facilitate road transportation of nuclear fuel and other low-level radioactive substances.

* Article 15 lays down the conditions to be observed and the action to be taken in cases of planned and unplanned special exposures involving internal contamination.

Article 17 specifies and defines the responsibilities of Member States in applying the necessary control and inspection procedures and in taking appropriate remedial action in accident conditions to ensure the radiation protection of members of the public.

Article 18 refers to the systems of control and inspection to be applied by Member States in relation to the medical supervision of workers in controlled areas.

Articles 19 and 20 are concerned with the appointment of technically competent persons to advise on the designation of controlled areas, methods of physical control and supervision to be exercised and the system of environmental and personnel monitoring to be followed.

NUCLEAR SHIP

In 1967 the ground was prepared for negotiations with Denmark, the Netherlands and Norway on bilateral agreements concerning the use of foreign coastal waters and ports by the German nuclear research ship "Otto Hahn". Conclusion of similar agreements with other countries to be visited by the ship has been considered.

• *Italy*

RADIATION PROTECTION

New Decrees

The only regulatory provisions in the field of nuclear energy which came into force in 1967, are the Ministerial Decrees of 18th and 19th July 1967, which amend the previous Decrees of 27th July 1966 following the Directives of the Euratom Council of Ministers on radiation protection basic standards:

- (i) Ministerial Decree of 19th July 1967 (Official Gazette* 11th August 1967, No.201) amending the Decree of 27th July 1966 (Official Gazette, 14th November 1966, No.285), which prescribes that where a person holds radioactive materials whose total quantity of radioactivity exceeds that which is established, this person must declare this to the Ministry for Industry and Commerce and request authorisation for their use.
- (ii) Ministerial Decree of 18th July 1967 (Official Gazette, 9th September 1967, No. 227), amending the Decree of 27th July 1966 (Official Gazette, 14th October 1966, No. 256) which prescribes that the occasional transport of radioactive materials whose total quantity of radioactivity does not exceed that which is established, is exempted from authorisation.

Work in Progress

Many other provisions are being drafted, and the work on some has progressed enough to envisage the possibility of their coming into force in 1968. Among them are the texts which establish the conditions required for the management and operation of a nuclear undertaking and for the issue of corresponding licences.

The drafts relating to the definition of which types of radiation-emitting devices might imply radiation hazards for workers and the population also merit attention. These drafts will be followed up as soon as the final Opinion of Euratom is formulated.

* *Gazzetta Ufficiale della Repubblica Italiana*

ESTABLISHMENT OF A MINISTRY FOR RESEARCH IN SCIENCE AND TECHNOLOGY

Work in Progress

The draft law on the establishment of a Ministry of Research in Science and Technology is particularly interesting. This draft was submitted to the Senate on 14th September 1967. It is difficult to anticipate how it will be followed up or to tell in particular whether or not it will be adopted during the short period before present legislature comes to an end. Anyway, even if the law is not voted, the draft clearly indicates the Government's will to reorganise the complex field of scientific and technological research and give it a new impetus.

The draft law is preceded by a very interesting "exposé des motifs" which analyses the influence of technical and economic progress on economic development and describes the present state of research in Italy as well as the organisation of research in several other countries.

The aim of the draft law is to entrust to a single Ministry the task of co-ordinating, programming and promoting fundamental and applied research. The Ministry would especially be charged with co-ordinating research programmes carried out by public administrations and bodies, transmitting to the Interministerial Committee for Economic Programming and the Treasury, the co-ordinated programme with a view to preparing the budget for research, advising the Ministry for Foreign Affairs on Italian participation in international organisations. The tutelage duties of the Ministry for Industry and Commerce with respect to the "Comitato Nazionale per l'Energia Nucleare" would be carried out in agreement with the Ministry for Research for the budget of this organisation, as well as for the adoption and execution of the Programme. Finally, this Ministry would command a fund for financing study or research contracts whose execution it would entrust to Universities, public bodies and undertakings.

• *Luxembourg*

RADIATION PROTECTION

Grand Ducal Regulation of 8th February 1967 (Memorial No.15, 8th March 1967)

The Grand Ducal Regulation of 8th February 1967, implements the Act of 25th March 1963 on the Protection of the Public against the Hazards of Ionizing Radiation.

The Regulations comprise nine chapters devoted to general provisions, the surveillance of classified establishments, the trade in radioactive substances, the carriage of such substances, problems arising in connection with nuclear propulsion and international conventions, protection of the public, and miscellaneous provisions. The Regulations are supplemented by five annexes containing definitions and tables of radiotoxicity levels, maximum permissible concentrations of radioactive nuclides, and symbols.

This enactment concerns the general use of apparatus and substances capable of emitting ionizing radiation, and the disposal of radioactive wastes.

As regards the surveillance of establishments, the legislator adopted the rather standard solution of defining four classes by order of decreasing hazard. Class 1 includes nuclear reactors and establishments having on their premises irradiated fuel or fissile materials in conditions where more than half the minimum critical mass could be brought together. Classes 2, 3 and 4 cover establishments in which lesser hazards are present, the distinction among such establishments being based on criteria such as the amount of radioactive nuclides on the premises, the intensity of any X-ray apparatus in their possession and certain specific activities. Establishments comprising installations of several classes are placed in the highest class. Establishments in these various classes are subject to a detailed system of prior authorisation, granted by the Government in the case of Class 1 establishments, by the Minister of Public Health in the case of Class 2 establishments, and by the Communal Council in the case of Class 3 establishments; conditions for obtaining an authorisation are more or less stringent depending on the class of establishment and vary according to whether radioactive wastes are in solid, liquid or gaseous form. Class 4 establishments need no authorisation, provided certain precautionary measures are taken. A new authorisation must be requested for enlarging or altering an establishment.

When an installation for which an authorisation has been granted is brought into operation, delivery of the authorisation must be acknowledged and a formal report made out by the proper authorities. Authorisation is withdrawn in case of failure to comply with regulations or cessation of activities.

The importation, distribution and transit of radioactive substances are likewise subject to a series of prior authorisations granted by the Minister of Public Health. These authorisations may be general or specific ones and are granted for a limited duration. The same holds, with certain exceptions, for all transport operations concerning radioactive substances, which are subject to specific safety and insurance requirements. Authorisation is also required to build any nuclear-powered device.

The draft of any international convention having possible effects on the application of the Regulations must be considered by the Minister of Public Health, who then stipulates what conditions must be met to comply with the Regulations and for purposes of public safety.

More generally, regulatory provisions define specific measures ensuring the protection of the public as a whole and provide for radiation monitoring of the national territory by an expert, as already envisaged in the Act of 1963. Such monitoring involves determining the radioactivity of the air, water and soil and of the food chain, and, in addition, a study of the measures to be taken. Practices such as the use of pedoscopes, the incorporation of radioactive substances in foodstuffs, and the use of such substances in luminous sources are prohibited. Prior authorisation by the Minister of Health is required for the use of ionizing radiation in treating foodstuffs or medicaments and for importing, stocking and transporting such products.

The Grand Ducal Regulations also include a number of provisions concerning penalties, compliance with existing laws and temporary measures.

The tables appended to it form an integral part of the Regulations and were drawn up in line with the recommendations of the Commission of the European Atomic Energy Community and with the Council Directives of 5th March 1962. In the table concerning the relative radiotoxicity of nuclides, they are classified in four groups: very high, high, moderate and low radiotoxicity. The maximum cumulative permissible dose for the general public up to the age of 30 is 5 rem per capita. In the table of maximum permissible concentrations of radioactive nuclides, a distinction is made between persons in monitored zones who are occupationally exposed to continuous or intermittent radiation by nuclides inhaled from the air or consumed in drinking water and persons occasionally exposed in monitored zones.

By and large, the Grand Ducal Regulations of 8th February 1967 have many points in common with the Belgian Royal Decree of 28th February 1963. There is, however, one difference, in that the Luxemburg Regulations do not deal in detail with the protection of persons occupationally exposed to ionizing radiation.

• *Norway*

NUCLEAR LEGISLATION

Since 1957, a Committee of Experts, was charged by Royal Decree to study the possibility of drafting a general law on atomic energy in Norway. Concurrently, on the recommendation of the Nordic Committee on legislation, similar committees have been set up in Denmark, Finland and Sweden. Co-ordination between Nordic countries has been mainly devoted to problems of insurance and nuclear third party liability.

Following the drafting of the Paris and Vienna Conventions on nuclear third party liability, proposals for nuclear legislation have been developed by Committees of experts from the four Nordic countries. These texts, which present great similarities with regard to third party liability and insurance, differ somewhat in their scope.

With respect to Norway, the draft law which is at present under study at the Ministry for Industry, establishes a system for authorisation and control of nuclear fuel and radioactive material and determines the third party liability and insurance regime. This draft law could be submitted to Parliament in 1969. A full translation figures in the Supplement to the current Bulletin.

• Spain

COVER FOR NUCLEAR HAZARDS

Decree No. 2177 of 22nd July 1967 (Official State Gazette, No. 223, 18th September 1967).

This Decree, which was signed by the Head of State, approves the Regulations on cover for nuclear damage hazards.

These Regulations on cover for nuclear hazards were made for the purpose of implementing the provisions in the Act on Nuclear Energy of 29th April 1964. Thus they embody and develop most of the statutory provisions concerning nuclear third party liability.

The Regulations are divided into three Sections, dealing respectively with third party liability arising out of nuclear damage, forms of financial cover and, finally, State intervention in compensation for nuclear damage.

Section I consists of five Chapters. Chapter 1 contains general provisions. It lays on operators of nuclear installations the duty of providing compensation for nuclear damage; however, it excludes from the scope of the Regulations operators whose installations are capable only of producing radiations which do not present serious hazards according to the standards in force. All private agreements which restrict or set aside liability are declared null and void.

Chapter 2 deals with nuclear damage and reiterates the distinction made by the Act of 1964 between immediate and deferred damage. Compensation under the Regulations does not cover nuclear

nuclear damage due to an armed conflict or a grave natural disaster, or arising out of therapy involving the use of radioactive substances, or constituting an industrial accident or an occupational disease or, finally, damage to the operator's own installation.

Chapter 3 deals with identification of, and proceedings against, a person responsible for nuclear damage and restates in detail the provisions of the Act of 1964. The theft or abandonment of nuclear substances does not relieve the person having legal possession thereof from liability until ten years have elapsed from the date the incident was made public. The liability of the operator of a nuclear installation shall be limited to 300 million pesetas, and a person manufacturing or using radioactive substances shall be answerable for a minimum amount of one million pesetas in respect of nuclear damage caused by radiations produced by such substances.

Chapter 4 deals with loss suffered as a consequence of nuclear damage and giving rise to compensation. Immediate damage to persons shall be compensated in full and in priority over damage to property. If damage to property exceeds the limit of liability, compensation is to be paid on a pro rata basis. In no case may compensation paid for damage to persons be less than the amount payable on an equivalent claim under the scales of workmen's compensation. The right to institute proceedings claiming compensation is extinguished on the expiry of a period of ten years in the case of immediate damage, and twenty years in the case of deferred damage.

Section II deals with the forms of cover for liability. The first of its four Chapters restates the general provisions contained in the Act of 1964.

Chapter 2 contains provisions regarding third party insurance for nuclear damage. A separate insurance contract must be effected for each installation belonging to the operator. If the contract is of limited duration its period of validity must not exceed three years; if it is not limited in duration the contracting parties must renew it at each anniversary date. Contracts covering the transport of nuclear substances must be for the same duration as the transport. The insurance premium must be paid in advance, but any delay in payment does not entitle the insurer to suspend the cover; he nevertheless retains the right to cancel the contract and recover his debt at law. Any change in the conditions of the risk, whether fortuitous or caused by a third party, may entitle the insurer to surcharge the premium. The insured, for his part, must notify the insurer of any change in the risk or of any nuclear incident within five days after such change or incident became known to him. The insurer can cancel the contract within five days, but such cancellation does not become effective until two months after the date the decision was made. A contract covering the transport of nuclear substances cannot be cancelled during such transport. Before suspending the cover the insurer must give two months' notice thereof to the Minister of Finance; he must also inform the Minister of Finance of any circumstances which might have the effect of reducing the cover below the limit of the operator's liability. The amount up to which, under the Act of 1964, the insured must meet claims himself, is fixed at 5 per cent of the compensation paid for each claim; this percentage can be altered by the Minister of Finance.

In order to cover nuclear risks, insurance companies must obtain prior authorisation from the Ministry of Finance and be registered in a Special Register of the Directorate-General of Insurance. They must also submit specimens of their policies for nuclear insurance to the Minister, together with all necessary particulars. In addition, the Minister can prescribe limits for premiums. Insurance companies undertaking nuclear insurance can combine to form pools, subject to Ministerial approval; such pools have legal personality; they are subject to supervision by the Directorate-General of Insurance. Nuclear insurance companies or pools must establish, in addition to the customary reserves, a special technical reserve determined by the Minister of Finance.

Chapter 3 deals with the other forms of financial cover. They may consist in the deposit at the "General Deposits Office" of cash or currency which is legal tender in Spain, or Government and similar securities, or even industrial securities if quoted on the Spanish stock exchange and offering adequate security. The amount of the deposit may not be less than the limit of the operator's liability. Financial cover may also take the form of a bank guarantee given by an official or private body registered in the "General Register of Banks and Bankers". This form of guarantee, however, is exceptional and the Minister of Finance is at liberty to refuse it.

Chapter 4 contains provisions relating to reinstatement of cover. This must be effected, in accordance with Ministerial Directives, whenever the cover becomes insufficient.

Section III of the Regulations, which consists of four Chapters, deals with State intervention in compensation for nuclear damage. The first Chapter contains only general provisions.

Chapter 2 deals with the various modes of State intervention. Thus, if the State acts as an operator it must pay compensation for nuclear damage just like any other operator. Should any immediate damage exceed the limit of the operator's liability, it is for the State to determine the measures to be taken in such case; and it must also decide the procedure to be followed for paying compensation for deferred damage (damage appearing after ten years). Finally, it acts through the specialised agencies mentioned below.

Thus Chapter 3 is concerned with the Directorate-General of Insurance. This is the department which exercises the powers of the Ministry of Finance in relation to cover for nuclear risks and to enforcement of the current regulations. It has at its disposal a corps of inspectors of the Ministry of Finance.

The Chapter 4 deals with the body known as the "Consortio de Compensacion de Seguros" ("Insurance Compensation Consortium"). This body is responsible to the Directorate-General of Insurance, and, among its various functions, shares the cover for risks assumed by insurance companies where they are not strong enough to cover them fully themselves, undertakes reinsurance operations in accordance with the Directives of the Minister of Finance, and is represented on the managing committee of any nuclear insurance pools.

In the "Consortium" a "Special Nuclear Risks Section" has been established with complete financial autonomy. It is controlled by a Government Commission ("Junta"), the Chairman of which is the Director-General of Insurance at the Ministry of Finance. This Commission acts through a Standing Committee, but also meets in plenary session.

Its functions include applying the provisions relating to cover for nuclear risks, approving the sale of assets belonging to the "Special Nuclear Risks" Section and expenditure out of its funds, agreeing to cover risks, authorising reinsurance contracts, and settling claims exceeding 1 million pesetas.

The "Standing Committee" of the "Special Section" can handle matters involving less than 1 million pesetas. Appeals against the Section's decisions can be taken to the "Insurance Compensation Consortium" within one month; the latter's decisions can themselves be appealed against to the "Insurance Arbitration Tribunal" within 70 days.

The general provisions that conclude these important Regulations decree that the Government, on the proposal of the Minister of Finance and in the light of the prior Opinion of the Minister for Industry, can proclaim as a grave natural disaster of an exceptional character any nuclear incident the circumstances of which justify such a proceeding.

• *Sweden*

THIRD PARTY LIABILITY

The Swedish Nuclear Liability Act of 3rd June 1960 (no.246) is of a provisional character. It was originally intended to expire and be replaced by permanent legislation on 1st January 1964. Pending the outcome of the international legislative co-operation which has been going on since many years in this field and the elaboration of a domestic law based on such Conventions the provisional Act has, however, been successively prolonged and will accordingly remain in force until 31st March 1968.

In 1962 a legislative committee, working in close co-operation with committees appointed in Denmark, Finland and Norway, presented a report containing the text for a new Nuclear Liability Act, based on the Paris Convention of 29th July 1960 on third party liability in the field of nuclear energy. In 1964-66 a revision of the proposed law was undertaken within the Ministry of Justice with a view to adapting the law to the text of the Paris Convention as revised by the Additional Protocol of 28th January 1964. The suitability of Sweden ratifying the Brussels Supplementary Convention of 31st January 1963 (as revised by the Additional Protocol of 28th January 1964) and the Vienna Convention of 21st May 1963 on civil liability for nuclear damage and the means of adapting a Swedish law also to these Conventions were considered in this connection. The work was carried out in co-operation with legislative committees appointed in the other Nordic countries. As a result a report, containing a proposal for a new Nuclear Liability Act, based on all three Conventions was published in May 1966.

After consultations with the Danish, Finnish and Norwegian Governments the Swedish Government decided in 1967 that Sweden should at the present time ratify only the Paris and Brussels Conventions. In accordance herewith and on the basis of the 1966 report a Nuclear Liability Bill was worked out within the Ministry of Justice and was in October 1967 submitted to the Legal Council.* With a few amendments of minor importance, proposed by the Legal Council, the Bill is now laid before Parliament with a view to the new Nuclear Liability Act entering into force on 1st April 1968. Subject to Parliament's consent, the Swedish Government will on the same date deposit Sweden's instruments of ratification of the Paris Convention and Brussels Supplementary Convention.

The prospective new Act accordingly contains provisions corresponding to those of the two Conventions. It will not be applicable to nuclear incidents occurring in a non-Contracting State and will apply to nuclear damage suffered in the territory of such State only in case of an incident occurring within Swedish territory and provided that liability lies with the operator of a nuclear installation situated in Sweden. The maximum liability of an operator of a Swedish installation will be 50,000,000 Sw. Crs. or approximately 10,000,000 EMA u/a.

* An advisory body consisting of four Supreme Court Justices, whose advice on Bills in the field of civil or criminal law must, under the Constitution, be obtained before the Bill is submitted to Parliament.

In pursuance of the provisional Nuclear Liability Act now in force, the Government has in 1967 issued a decree to the effect that certain nuclear installations situated in Stockholm and operated by the partially State-owned Atomic Energy Company Ltd., (AB Atomenergi) shall for the purposes of the said Act be considered as a single nuclear installation. The Atomic Energy Company's liability under the Act as operator of a number of nuclear installations in Sweden is covered by State guarantee pursuant to Royal decrees issued in 1962 and 1967.

• *United States*

During the past year no major changes took place with respect to United States legislation in the field of nuclear energy although many amendments were made to the Code of Federal Regulations (Title 10 - Atomic Energy). The majority of these amendments affect only minor details of the Regulations, but some either add new rules or modify substantially already existing rules.

ACCOUNTABILITY OF SPECIAL NUCLEAR MATERIAL

Early in 1967 the Atomic Energy Commission amended its regulations concerning the responsibilities of licensees who possess special nuclear material to control and account for the material in the interest of national security. These amendments were made to take account of the legislation approved in 1964 which authorises private ownership of such material. Previously, special nuclear material possessed by private parties had consisted principally of government owned material used in the performance of AEC contract work or distributed under lease arrangements and these agreements included requirements that the material be accounted for in a manner acceptable to the Commission. As the material may now be owned by private parties, and thus would not be subject to the accountability control exercised by the AEC under contractual agreements, requirements with respect to accountability were added to Part 70 of the Regulations.

The amendments provide for the maintenance of records showing the receipt, inventory, disposal, acquisition, import, export and transfer of special nuclear material. Where the licensee is authorised to possess quantities exceeding 5,000 grammes of contained uranium 235, uranium 233 or plutonium, or any combination thereof, he must establish and maintain written material control and accounting procedures sufficient to enable him to account for the special nuclear material in his possession. Where such quantities of special nuclear material are to be used for activities other than those involved in the operation of a nuclear reactor, or as sealed sources, the licensee is required to submit to the AEC a full description of procedures for control of and accounting for the special nuclear material he possesses; a series of requirements is laid down by the Regulations.

COVER FOR NUCLEAR HAZARDS

Regulations were also amended to increase the levels of financial protection required of licensees who operate smaller power and testing reactors and are indemnified by the AEC. Although the financial protection required of operators of power reactors with a rated capacity of 100 electrical MW or more is prescribed by the Atomic Energy Act as being equal to the maximum amount available from private sources (i.e. currently \$74 million), the requirements for reactors of less than 100 electrical MW are established by the Commission, taking into account certain factors set forth in the Atomic Energy Act /Section 170(b)7. A formula for calculating the amounts of financial protection required for reactors of less than 100 MW but more than 1 MW is contained in Part 140 of the Regulations. The amendments to Part 140 take account of the increased availability of private insurance and result in a proportional increase of approximately 23 per cent in the requirements for licensees operating smaller power and testing reactors; in addition the minimum level of financial protection for this class of reactors has been raised from \$3.5 million to \$4.5 million. No change was made however as concerns financial protection requirements for small research reactors.

TOLL ENRICHMENT

As part of the programme of toll enrichment of privately owned uranium, authorised under the Private Ownership of Special Nuclear Materials Act of 1964 and scheduled to begin in 1969, the Atomic Energy Commission announced that the current charge for toll enrichment would be \$26 per kilogramme unit of separative work (i.e. a measurement of work done rather than a quantity of material). The charges established remain subject to change within the guaranteed ceiling charge (i.e. \$30 per unit as established in the Uranium Enrichment Criteria announced in December 1966), subject to six month's prior notice.

CASE LAW AND ADMINISTRATIVE DECISIONS

• *France*

CASE LAW IN RESPECT OF COMPENSATION OF WORKERS WHO HAVE CONTRACTED OCCUPATIONAL DISEASES CAUSED BY IONIZING RADIATION

1. The French scheme of compensation for persons occupationally exposed to ionizing radiation distinguishes between two categories of damage, viz. that covered by Social Security insurance, and the residual loss left uncompensated by such benefits, together with all other forms of damage not covered by Social Security. This note concerns more specifically the first category.

Social Security compensation covers injuries resulting from either industrial accidents or occupational diseases.

Under the terms of the law, an accident occurring through or during the course of work to a salaried person is considered an industrial accident. According to established case law in French courts, an industrial accident is distinguished by "sudden and acute ill-effects, due to an external cause, resulting in a lesion in the human body". The sudden intervention of an external force characterizes the accidental nature of the lesion. If lesions appear quite suddenly in the victim, a very short time after an irradiation that is of an important and accidental nature, this is considered an industrial accident. Certain acute lesions such as dermatitis, conjunctivitis and even simple nausea may be classified as industrial accidents to the extent that these lesions concur with the noxious effect of irradiation. If irradiation is not apparent, monitoring apparatus which records it thereby provides evidence of such external interference.

As regards occupational diseases, those possibly resulting from exposure to radiation are listed restrictively in Table 6, Book IV of the Social Security Code, by virtue of Decree N° 50-1533 of 9th December, 1950, as amended by Decree N° 60-1081 of 7th October, 1960. This Table is entitled "Diseases caused by X-rays, natural or artificial radioactive substances, or any other particle-emitting source" and contains the following occupational diseases :

- Serious progressive hypoplastic or aplastic anaemia
- Slight progressive hypoplastic or aplastic anaemia
- Hypoleukemia with neutropenia

- Leukosis
- Leukemoid conditions
- Acute radiodermatitis
- Chronic radiodermatitis
- Acute radioepithelitis of the mucous membranes
- Chronic radiation damage to mucous membranes
- Haemorrhagic syndrome
- Blepharitis or conjunctivitis.
- Keratitis
- Cataract
- Osteoradionecrosis
- Osteosarcoma
- Diffuse lung cancer due to inhalation of radioactive substances.

The Table also lists the noxious substances capable of causing the above conditions.

The interpretation of the legislation in respect of occupational diseases has been that a causal relationship may be presumed only if the worker can prove he has been habitually exposed to the effects of one of the noxious substances given in the Table. There was still some doubt, however, as to the very nature of this presumption of causality until this notion was clarified by the recent ruling of the Court of Cassation in the case of the French Atomic Energy Commission (CEA) v. the Caisse Primaire de Sécurité Sociale de la Région Parisienne and Mrs. Majoni, which marked the culminating point in a series of decisions briefly outlined hereunder.

2. Mrs. Majoni, an employee of the Atomic Energy Commission, worked from March 1953 to July 1953 in the health physics department before being assigned to the department concerned with radiation and radiation technology. On 8th August 1957 she filed an occupational disease declaration, stating that she had contracted anaemia, and she was recognised as eligible for benefit by the Caisse Primaire de Sécurité Sociale de la Région Parisienne. The Atomic Energy Commission having challenged this award, the Paris Social Security Board of First Instance for contentions cases ruled, on 2nd March, 1962, that the disease in question met the legal requirements for the payment of benefits.

The Atomic Energy Commission having appealed this ruling, the Paris Court of Appeal ordered, on 24th November 1962, that an inquiry be made into the conditions in which Mrs. Majoni had been employed. On 29th June 1963, a second judgment ordered a supplementary inquiry for the same purpose. Still another decision issued on 20th June 1964, ordered an examination by medical experts. On 4th December 1965, the Court of Appeal finally delivered judgment on the

main issue.

The experts appointed by the Court of Appeal found that Mrs. Majoni was suffering from a slight case of chronic hypoplastic anaemia that had developed by stages after first revealing itself on 15th April 1953; they also were of opinion that her illness was one of the occupational diseases listed in Table 6. At the same time though, they went on record as stressing the importance of the notion of maximum admissible dose, i.e. the highest dose of ionizing radiation to which a human can be subjected with no observable risk, which had become law in France upon the coming into effect of the Euratom basic standards (memorandum of 7th March 1962, Official Gazette of 8th March 1962). They likewise stated that a literal interpretation of the existing legislation concerning occupational diseases had a potential drawback in as much as exposure to a very small dose of radiation constituted sufficient grounds for attributing a slight case of anaemia to radiation, under the existing legislation, even if the dose were below the basic standards or even the natural radiation level. In addition, such an automatic operation of the law would not take into account the major efforts made by the agencies concerned to protect their employees against the hazards of ionizing radiation.

In giving its decision, the Court of Appeal did not follow the reasoning of the experts and ruled that Mrs. Majoni's anaemia could be presumed of occupational origin as she had been habitually exposed to the radiation hazards inherent in the radioactive substances manipulated, without however classifying this presumption as irrebuttable; having noted that the Atomic Energy Commission had failed to prove that the illness diagnosed had absolutely no connection with the hazards in question and having declared irrelevant the fact that Mrs. Majoni had, according to the experts, been subjected to a dose of radiation much lower than the limits set by the basic standards, the Court held that it should base its ruling solely on the existing legislation, which in no way specified the level of intensity of radiation from noxious substances or the doses considered dangerous. On these grounds, the Court rejected the C.E.A.'s appeal and confirmed the ruling of the Board of First Instance.

3. On 10th February 1966, the Social Affairs Division of the Court of Cassation ruled on the application by the Atomic Energy Commission to have the order for an examination by medical experts issued on 20th June 1964 by the Paris Court of Appeal set aside. The Atomic Energy Commission alleged that the order in question had taken it for granted that Mrs. Majoni's anaemia was of occupational origin, without having determined or sought to ascertain whether the dose of radiation to which she had been subjected was strong enough to be legally classified as harmful. The Court of Cassation, while acknowledging that the health safety regulations had been complied with, reiterated that no mention was made of levels of intensity or dangerous doses in Table 6 and upheld the view taken by the Court of Appeal. In addition, the Court of Cassation, after having reaffirmed that the presumption of causality was not irrebuttable, held that, contrary to the allegations on which the appeal had been based, the Court of Appeal had in fact given the Atomic Energy Commission a chance to establish that Mrs. Majoni's illness was due to causes other than exposure to radiation. Accordingly, the Atomic Energy Commission's appeal was dismissed.

These rulings aroused some concern among operators of nuclear installations, for it is exceedingly difficult, in the case of an

occupationally exposed person suffering from an illness such as anaemia or leukemia, to prove that the occupational risk had no effect on the origin and development of the illness, even when the actual dose of radiation was considerably under the permissible maximum established for the person in question.

4. Since then, however, two recent rulings by the Paris Social Security Board of First Instance for contentions cases have added to the case law on this matter. In the first decision (29th June 1966), the Board ruled on the question of whether Mrs. Majoni had been the victim of inexcusable negligence by the Atomic Energy Commission. By proving such negligence, Mrs. Majoni hoped to obtain an increase in the pension that had been awarded her, and maintained, in the earlier decisions.

The Board held, inter alia, that the presumption of causality, as defined by earlier rulings, concerned the relationship between Social Security departments and the insured only, and in no way affected the liability of the employer: the burden of proving inexcusable negligence was therefore entirely incumbent upon Mrs. Majoni. The Board also noted that the Atomic Energy Commission had scrupulously taken every possible measure to protect the health of its employees and that the applicant had been exposed to doses considerably below the permitted maxima established in the light of present-day scientific knowledge.

Having reached the conclusion that the Atomic Energy Commission had been guilty of no negligence or imprudence of a nature benown to the law, the Board rejected Mrs. Majoni's request that her pension be increased.

On 11th January 1967, the Board ruled on another case, in which the Atomic Energy Commission challenged the Social Security's decision to grant compensation for a moderate case of normochromic anaemia contracted by Mr. Saltel, who had worked successively as a labourer, stores assistant and storekeeper at the Atomic Energy Commission's laboratories in Fontenay-aux-Roses. The Board held that Mr. Saltel had failed to prove direct exposure by reason of his occupation to one of the radiation hazards explicitly listed in Table 6 (occupational diseases), and that the inquiry conducted had shown there to be practically no danger of irradiation; the legal presumption of causality was thus inoperative and accordingly the Board ruled that the Atomic Energy Commission was entitled to succeed in its action.

While these two rulings are of considerable interest as clarifying the case law on this matter, it must be borne in mind that their impact is limited by the fact that they emanate from a court of first instance and appeals are pending.

INTERNATIONAL ORGANISATIONS AND AGREEMENTS

INTERNATIONAL ORGANISATIONS

● *International Atomic Energy Agency*

COURSE ON THE LEGAL ASPECTS OF THE PEACEFUL USES OF ATOMIC ENERGY

As peaceful applications of atomic energy are developed, a growing number of countries are at present concerned with the problem of so drafting the special legislation required for initiating and carrying through a nuclear programme that technical developments are not impeded. As part of the legal assistance it gives to its Member States the IAEA has given advice, and supplied experts to several countries on a consulting basis, to enable them to prepare legislation in this field. With the aim of making this co-operation as fruitful as possible and achieving the maximum degree of harmonization in the legislation being prepared, it was thought desirable to make further training - or, to employ a term in current usage, "recycling" - available for those lawyers and administrators who, in various parts of the world and especially in the developing regions, have responsibilities or may be asked to collaborate with national authorities in atomic energy matters. Such training should enable them to become familiar with the various legal problems arising out of the peaceful uses of nuclear energy, by taking into account both the experience acquired in various technologically advanced countries and the growing international trend towards harmonization of the relevant standards and regulations.

In the light of these considerations, the IAEA undertook in October 1966 to consult a number of developing countries, among those which are either carrying out a nuclear programme or have expressed the desire to introduce suitable legislation for the purpose of starting such a programme, as to the advisability of organising a course on the legal aspects of the peaceful uses of atomic energy. More than half the 40-odd countries consulted expressed interest in such a project during the first half of 1967, and applications to participate were subsequently received by the IAEA from 20 Latin-American, African, Asian and Eastern European countries towards the end of last year. The proposed course has thus taken over a year to come to fruition, but it will now definitely take place, with a select body of participants, following the Easter holiday this year, from 16th to 26th April in Vienna.

Object and Organisation of the Course

The main object of the course is to study with the participants a number of practical problems common to the various countries concerned, and the manner in which they should be dealt with from the legal point of view. The course is consequently organised so as to give special importance to discussion in seminars, following lectures on various subjects all of topical practical importance, such as the organisation of national atomic energy administrations, third-party liability for nuclear damage and related insurance questions, regulations for the operation of nuclear reactors, radiological protection, disposal of radioactive waste, irradiation of foodstuffs, etc. The intention is that these talks shall be given by specialists trained under various legal systems and by members of the Agency Secretariat; the subsequent discussions in the seminars - at a rate of one per day throughout the course - will deal with particular problems of importance to the participants from each country.

Participation in the Course

In view of the importance which they attach to the course, 20 governments have nominated candidates, the great majority of whom have responsibilities in nuclear energy matters in their national administrations. The IAEA will pay half the travelling expenses of one participant from each country, the other half being borne by the government concerned, and will pay a subsistence allowance covering their stay in Vienna. In addition to the 20 selected participants, a number of other persons may attend the course, either at the expense of governments or as observers sent by the international organisations, faculties or research institutes interested in the development of legislation on nuclear energy.

Publication

Following the course next April, the IAEA intends to publish the texts of the lectures with an index of national nuclear energy legislation. This publication is planned for the end of the year and will, it is hoped, facilitate research on the subject.

• *Euratom*

AMENDMENT TO THE UNITED STATES LEGISLATION WITH RESPECT TO EURATOM

The United States Congress has just approved an amendment to the Euratom Co-operation Act of 1958, which determines more particularly within what limits and under what terms the United States Atomic Energy Commission (USAEC) may supply materials to the European Atomic Energy Community in fulfilment of the United States/Euratom Co-operation Act of 1958 and its Rider of 1960.

The USAEC had originally been authorised to supply to Euratom for the duration of the Co-operation Act which expires in principle in 1995, 30,000 kg of contained U 235 and 1 kg of plutonium. These quantities which had already been increased in 1964, have since been

raised to 215,000 kg of contained U 235 and 1,500 kg of plutonium, the quantity of U 233 fixed at 30 kg in 1964 remaining unchanged.

The quantity of U 235 includes 200,000 kg for the requirements of reactors with an overall installed power capacity of 13,000 MWe, in operation or under construction in the European Atomic Energy Community Member Countries towards 1972, as well as 15,000 kg for research and development. The plutonium should be used mainly for fast reactor programmes.

Moreover, and this is most important from the legal viewpoint, the recent amendment allows the USAEC to supply materials by means of contracts for furnishing uranium enrichment services, which are in fact just services. Up to now, materials could only be supplied when sold or leased.

The text of the amendment reads as follows :

"The Commission (USAEC) may enter into contracts to provide, after December 31, 1968, for the producing or enriching of all or part of, the above-mentioned contained uranium 235 pursuant to the provisions of subsection 161 v. (B) or said Act, as amended, in lieu of sale or lease thereof".

This provision allows the Community users (always of course through the Euratom Supply Agency) to provide the uranium and send it for enrichment to United States installations.

Insofar as it will be possible for European users to obtain natural or slightly enriched uranium on the world market, at prices lower than those of the USAEC, the new latitude provided by the amendment gives an unquestionable financial advantage.

(References : Public Law 85-846. Euratom Co-operation Act of 1958. Amendment to Section 5).

● *European Nuclear Energy Agency*

THIRD PARTY LIABILITY

Extensive work has been carried out during the past year with a view to facilitating the elaboration of national legislation in the field of third party liability in preparation for the coming into force of the Paris Convention.

In particular, a number of problems had come to light concerning the interpretation and application of certain provisions of the Convention and these were referred to the ENEA Group of Governmental Experts on Third Party Liability, made up of experts from Signatory countries to the Convention with the participation of representatives from Euratom, IAEA, the European Insurance Committee, and U.N.I.P.E.D.E. The Group met in December 1966 and again in April 1967 and agreed on a number of interpretations including questions of insurance for the carriage of nuclear materials, the establishment of maximum liability for operators of different types of nuclear installations, criteria governing

compensation for damage, and problems relating to the territorial application of the Convention.

Two major problems considered were the establishment of a uniform insurance certificate for the carriage of nuclear matter and the interpretation to be given to the term "nuclear installation" as defined in the Convention.

In order to facilitate the carriage of nuclear substances, especially in cases of transit through several countries, the Paris Convention requires that the operator liable provide the carrier with an insurance certificate, the basic contents of which are stipulated in Article 4(c) of the Convention. It was felt that the establishment of a standard form of certificate would simplify administrative procedures for all those concerned and would, in particular, obviate formal difficulties which could arise when nuclear substances were shipped across national borders. A model certificate was approved by the ENEA Steering Committee on 8th June 1967 and it was recommended that Signatory countries establish their own certificates according to that model. Subsequently, the Secretariat has been in contact with different national authorities in an effort to harmonise the formal presentation of the certificate and it is anticipated that a final version will be submitted to the Signatories very shortly for final approval.

In the course of preparing national legislation several countries have experienced difficulty in determining whether certain installations should be included within the special liability regime provided for by the Convention. Many installations which use nuclear matter are not of the type covered by the Convention because they do not give rise to risks of an exceptional character. The Convention gives a general definition to the term "nuclear installation" and leaves it to each Signatory to translate the specific application through the provisions of national law. It was felt, however, that problems might be created if varying interpretations were given in different national legislations and consequently it would be helpful if more precise criteria could be agreed for the purpose of determining the categories of installations which should be made subject to the special regime of the Convention.

On the basis of recommendations submitted to it by the Group of Governmental Experts, the ENEA Steering Committee agreed that sub-critical assemblies should not be included under the term "reactor" within the meaning of the Convention. They agreed also with proposals to exclude certain installations which use only limited quantities of nuclear materials. It was recognised, however, that it was important to maintain compatibility with decisions which might be taken in this respect under the Vienna Convention on Civil Liability for Nuclear Damage. As a result, consultations were undertaken with the IAEA, which led to a meeting of the Standing Committee of the Vienna Conference, in October 1967. The Vienna Standing Committee discussed the problems involved and forwarded a proposal to the Director General of IAEA. No decision has yet been announced as to the procedure which will now be followed in IAEA and, consequently, the recommendations agreed provisionally by the ENEA Steering Committee remain subject to change. When procedures have been terminated within the IAEA and consultations between the two Agencies brought to completion, a draft decision taking account of these consultations will be presented to the ENEA Steering Committee for approval.

AGREEMENTS

• *Belgium*

FRANCO-BELGIAN CONVENTION ON RADIOLOGICAL PROTECTION RELATING TO THE INSTALLATIONS AT THE ARDENNES NUCLEAR POWER STATION (Official Gazette of 7th March, 1967)

1. The aim of this Convention, which came into force on 23rd September, 1966, is to settle the problems of radiological protection with respect to the installations at the Ardennes Nuclear Power Station, owned by the Société Franco-Belge d'Energie Nucléaire des Ardennes (SENA).
2. To this end, the contracting parties have agreed in particular :
 - (a) to exchange information on the design and construction of the installations and on any incidents occurring there that might entail consequences for the health of the populations involved ;
 - (b) to abide by certain rules for the discharge of effluents ;
 - (c) to pool means for dealing with incidents occurring at the Power Station ;
 - (d) to set up a permanent committee charged with examining the problems connected with radiological protection of the populations involved, and to submit, to this end, proposals of a technical nature to the Governments of the contracting parties.

• *France*

FRANCO-GERMAN CONVENTION

Decree n° 67.524 of 17th June, 1967 (Official Gazette of 4th July, 1967)

The Decree dated 17th June, 1967, publishes the Convention of 19th January, 1967, between the Government of the French Republic and the Government of the Federal Republic of Germany on the construction and operation of a very high flux reactor (Official Gazette of 4th July, 1967).

The Convention, which came into force on 26th May, 1967, relates to the construction and operation for peaceful purposes of a very high neutron flux reactor by a "société civile" (corporation under civil law), the members of which are on the one hand the limited liability company Gesellschaft für Kernforschung mbH (Nuclear Research Company) and on the other the Commissariat à l'Energie Atomique (French Atomic

Energy Commission) and the Centre National de la Recherche Scientifique (National Scientific Research Centre).

This corporation, the Statute of which has been filed with both governments, is known as the Institut Max von Laue - Paul Langevin, and has its registered office at Grenoble ; it is run by a high ranking German scientist. The French and German members of the Management Committee of the corporation can only be appointed or discharged with the agreement of their respective governments.

Under the terms of the Convention, expenditure on building the reactor will be financed by the two governments making the sum of 163 million Francs available to the members of the corporation ; operating expenditure up to 43 million Francs will be covered by an annual subsidy. These two categories of expenditure will be borne in equal shares by each government. However, during the period of operation of the reactor, 49 per cent of operating expenditure will be allotted to Germany and 51 per cent to France.

The Convention allows for other states' accession with the agreement of the signatory governments.

INTERNATIONAL REGULATIONS FOR THE TRANSPORT OF DANGEROUS GOODS BY RAIL (R.I.D.)

Decree N° 67.880, of 20th September, 1967 (Official Gazette of 9th-10th October, 1967)

The International Regulations for the transport of dangerous goods by rail (R.I.D.) figure as Annex I to the International Convention for the transport of goods by rail (C.I.M.) of 25th February 1961, and has been published in France by Decree n° 65.350 of 23rd April 1965.

The R.I.D. classifies substances and goods in different categories ; category IV(b) concerns radioactive substances (whose specific activity is superior to 0.002 microcurie per gramme).

The Decree of 20th September 1967 publishes the revised version of the R.I.D. modified on 1st April 1967.

MISCELLANEOUS

ENEA ANALYTICAL STUDY ON NUCLEAR LEGISLATION*

• *Spain*

Up-dating

Following the publication of Decree No. 2177 of 22nd July 1967, (see page 18), implementing the provisions of the Act of 29th April 1964, it has become necessary to bring up to date the Chapter "Spain" of the "Third Party Liability" Section of the Analytical Study on Nuclear Legislation. This revision will be included in the next issue of the Bulletin.

• *Sweden*

Up-dating

The Swedish Act on Compensation for Nuclear Damage, introduced as a transitional measure until the coming into force of the permanent Act has been further extended until 31st March 1968.

• *United Kingdom*

Erratum

A mistake occurred in the Chapter "United Kingdom" of the same section. The penultimate paragraph of page 71 should read as follows :

* "The United Kingdom legislation provides for exoneration from liability with respect to international conflicts and civil war but maintains the liability of the operator in case of natural disaster".

* The analytical study of the major aspects of nuclear energy legislation in force in OECD countries, has been prepared by ENEA, after consultation with the competent services of the countries concerned. This study includes the following four sections :

- Nuclear third party liability (already published)
- General organisation of nuclear activities, and administration (to be published in 1968)
- Rules with respect to nuclear installations and health protection
- Transport of nuclear matter.

TEXTS

• *France*

THE MINISTER DELEGATE RESPONSIBLE FOR SCIENTIFIC RESEARCH AND FOR ATOMIC AND SPACE MATTERS

Definition of the cases in which factories engaging in the preparation, fabrication or conversion of radioactive substances fall outside the orbit of Decree No. 63-1228, of 11th December, 1963, relating to basic nuclear installations. (Official Gazette, 29th March, 1967).

The Minister Delegate responsible for Scientific Research and for Atomic and Space Matters, the Minister of Industry and the Minister for Social Affairs,

Having regard to Decree No. 63-1228 of 11th December, 1963, relating to nuclear installations, and, in particular, to Articles 2(3^o) and 15 thereof;

Having regard to Decree No. 66-450 of 20th June, 1966, concerning general principles of protection against ionizing radiation, and, in particular, to Table I of Annex 2;

Having regard to the opinion formulated by the standing section of the Interministerial Committee on Basic Nuclear Installations;

Having regard to the opinion formulated by the Interministerial Committee on Artificial Radioelements.

Order that :

Article 1 - Without prejudice to exemptions that may be granted in individual cases under Article 15 of the aforementioned Decree of 11th December, 1963, factories engaging in the preparation, fabrication or conversion of radioactive substances shall be deemed to be outside the scope of Articles 3 to 14 of the same when the total activity of the substances being processed is less than :

100 Ci for Group 1 radioelements
1,000 Ci for Group 2 radioelements
10,000 Ci for Group 3 radioelements.

When the radioactive substances belong to more than one group, the installation shall not be regarded as a basic nuclear installation if

the total activity of all the radioactive substances, as calculated with a coefficient of 10^{-1} for Group 2 materials and 10^{-2} for Group 3 materials, is less than 100 curies.

Article 2 - Notwithstanding the provisions of Article 1, factories engaging in the preparation, fabrication or conversion of the following fissile materials, in quantities equal to or greater than the following, shall be regarded as basic nuclear installations :

0.375 kg of plutonium 239

0.375 kg of uranium 233

0.6 kg of uranium 235

0.6 kg of uranium 235 contained in uranium enriched to more than 6 per cent

1.2 kg of uranium 235 contained in uranium enriched to between 1 and 6 per cent.

When the fissile materials are of different types, the installation shall be regarded as a basic nuclear installation if the sum of the fractions obtained by dividing the mass of each of the materials present by the relevant limit laid down in the above table is greater than 1.

Article 3 - Factories engaging in the preparation, fabrication or conversion of radioactive substances that are thus deemed to be outside the scope of the regulations applying to nuclear installations shall remain subject to the provisions of Articles L.631 to L.640 of the Public Health Code and, where applicable, the provisions of the Law of 19th December, 1917, relating to establishments where dangerous, unhealthy or noxious activities are performed.

Article 4 - The foregoing provisions shall take effect on 1st July, 1967*.

Article 5 - The present Order shall be published in the Official Gazette of the French Republic.

Done in Paris, this sixth day of December, Nineteen Hundred and Sixty Six.

The Minister Delegate responsible for Scientific Research and for Atomic and Space Matters

ALAIN PEYREFITTE.

The Minister of Industry

RAYMOND MARCELLIN.

The Minister for Social Affairs

JEAN-MARCEL JEANNENEY.

* On 30th June 1967, by order of the State Minister responsible for Scientific Research and for Atomic and Space Matters, this date was postponed to 1st November, 1967.

Limits beyond which installations intended for the storage, depositing or use of radioactive substances are regarded as basic nuclear installations. (Official Gazette, 29th March, 1967).

The Minister Delegate responsible for Scientific Research and for Atomic and Space Matters, the Minister of Industry and the Minister for Social Affairs,

Having regard to Decree No. 63-1228 of 11th December, 1963, relating to nuclear installations, and, in particular, to Article 2(7^o) thereof;

Having regard to Decree No. 66-450 of 20th June, 1966, relating to general principles of protection against ionizing radiation, and, in particular, to Table I of Annex 2, containing a classification of radioelements in three groups;

Having regard to the opinion formulated by the Interministerial Committee on Basic Nuclear Installations;

Having regard to the opinion formulated by the Interministerial Committee on Artificial Radioelements,

Order that :

Article 1 - Installations intended for the use of radioactive substances, except when in the form of sealed sources, shall be regarded as basic nuclear installations when the total activity of those substances is equal to or greater than :

100 Ci for Group 1 radioelements
1,000 Ci for Group 2 radioelements
10,000 Ci for Group 3 radioelements

When the radioactive substances belong to more than one group, the installation shall be regarded as a basic nuclear installation if the total activity of all the radioactive substances, as calculated with a coefficient of 10^{-1} for Group 2 materials and 10^{-2} for Group 3 is equal to or greater than 100 curies.

Article 2 - Installations intended for the storage or depositing of radioactive substances, except when in the form of sealed sources, shall be regarded as basic nuclear installations if the total activity of those substances is equal to or greater than :

1,000 Ci for Group 1 radioelements
10,000 Ci for Group 2 radioelements
100,000 Ci for Group 3 radioelements

When the radioactive substances belong to more than one group, the installation shall be regarded as a basic nuclear installation if the total activity of all the radioactive substances, as calculated with a coefficient of 10^{-1} for Group 2 materials and 10^{-2} for Group 3 materials, is equal to or greater than 1,000 curies.

Article 3 - Installations intended for the storage, depositing or use of radioactive substances shall be regarded as basic nuclear installations if the total activity of those substances is equal to or greater than :

- 10,000 Ci for Group 1 radioelements
- 100,000 Ci for Group 2 radioelements
- 1,000,000 Ci for Group 3 radioelements

When the radioactive substances belong to more than one group, the installation shall be regarded as a basic nuclear installation if the total activity of all the radioactive substances, as calculated with a coefficient of 10^{-1} for Group 2 materials and 10^{-2} for Group 3 materials, is equal to or greater than 10,000 Ci.

Notwithstanding the provisions of the present Article, mobile installations using sealed sources shall not be regarded as basic nuclear installations, whatever their total activity.

Article 4 - Notwithstanding the provisions of Articles 1, 2 and 3, installations intended for the storage, depositing or use of the following fissile materials, in quantities equal to or greater than the following, shall be regarded as basic nuclear installations :

- 0.375 kg of plutonium 239
- 0.375 kg of uranium 233
- 0.6 kg of uranium 235
- 0.6 kg of uranium 235 contained in uranium enriched to more than 6 per cent
- 1.2 kg for uranium 235 contained in uranium enriched to between 1 per cent and 6 per cent.

When the fissile materials are of different types, the installation shall be regarded as a basic nuclear installation if the sum of the fractions obtained by dividing the mass of each of the materials present by the relevant limit laid down in the above table is greater than 1.

Article 5 - The foregoing provisions shall take effect on 1st July, 1967*.

Article 6 - The present Order shall be published in the Official Gazette of the French Republic.

Done in Paris, this twenty-fifth day of January, Nineteen Hundred and Sixty Seven.

The Minister Delegate responsible for Scientific Research and for Atomic and Space Matters

ALAIN PEYREFITTE.

The Minister of Industry
RAYMOND MARCELLIN.

The Minister for Social Affairs
JEAN-MARCEL JEANNENEY.

* On 30th June 1967, by order of the State Minister responsible for Scientific Research and for Atomic and Space Matters, this date was postponed to 1st November, 1967.

MINISTRY OF INDUSTRY

Decree No. 67-964 of 24th October, 1967, implementing Article 5 of the Act of 19th December, 1917, as amended, concerning establishments in which dangerous, unhealthy or noxious activities are pursued. (Official Gazette, 1st November, 1967).

The Prime Minister,

Having received a report from the Minister of Industry and the Minister for Social Affairs,

Having regard to the Act of 19th December, 1917, as amended, concerning establishments in which dangerous, unhealthy or noxious activities are pursued, and, in particular, to Article 5 thereof, which reads as follows :

"Article 5 - The industries to which this Act shall apply and the classification of each such industry shall be defined in an order issued by the Council of State, upon receipt of an opinion from the Higher Council on Public Health in France and the Advisory Committee on Trades and Manufactures and upon the proposal of the Minister for Trade and Industry;

"Any classification required after publication of the Order referred to in the previous paragraph shall be established following the same procedure";

Having regard to the Act of 9th June, 1948, which dissolved the Advisory Committee on Trades and Manufactures and set up an Advisory Committee on Classified Establishments;

Having regard to Act No. 61-842 of 2nd August, 1961, on combating atmospheric pollution and odours, amending the Act of 19th December, 1917, read in conjunction with Decree No. 60-789 of 28th July, 1960, on the co-ordination of measures for combating atmospheric pollution;

Having regard to the Decree of 20th May, 1953, as amended and supplemented by the Decrees of 15th April, 1958, of 17th October, 1960, of 19th August, 1964, of 24th August, 1965, and of 15th September, 1966, containing administrative regulations for implementing Article 5 of the Act of 19th December, 1917;

Having regard to Article 27 of the Decree of 1st April, 1964, concerning establishments in which dangerous, unhealthy or noxious activities are pursued;

Having regard to the opinion given by the Advisory Committee on Classified Establishments;

Having regard to the opinion given by the Interministerial Commission on Artificial Radioelements;

Having regard to the opinion given by the Higher Council on Public Health in France;

After hearing the Council of State (Public Works Division),

Hereby orders as follows :

Article 1 - The table appended to the Decree of 20th May, 1953, as amended and supplemented by the Decrees of 15th April, 1958, of 17th October, 1960, of 19th August, 1964, of 24th August, 1965 and of 15th September, 1966, defining the industries to which the Act of 19th December, 1917, shall apply, shall be amended and supplemented in accordance with the table appended to the present Decree.

Article 2 - The present Decree shall come into operation on 1st November, 1967.

Article 3 - The Minister of Industry and the Minister for Social Affairs shall be responsible, each in his respective sphere, for implementing the present Decree, which shall be published in the Official Gazette of the French Republic.

Done in Paris this twenty-fourth day of October, Nineteen
Hundred and Sixty Seven

Georges POMPIDOU.

For the Prime Minister :
The Minister of Industry,
Olivier GUICHARD.

The Minister for Social Affairs,
JEAN-MARCEL JEANNENEY.

TABLE.

ESTABLISHMENTS IN WHICH DANGEROUS, UNHEALTHY OR
NOXIOUS ACTIVITIES ARE PURSUED

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
385 bis	Radioactive substances (Definition and classification). Radioactive substances are defined as any substances consisting of, or containing, one or more natural or artificial radioelements. The terms or expressions used in this nomenclature, in particular activity, nuclide, radioactivity, radioelement, radiotoxicity, sealed source, unsealed source, are defined in Annex 1 of Decree No. 66-450 of 20th June, 1966, (published in the Official Gazette of 30th June, 1966) regarding the general principles of protection against ionizing radiation. The principal radioelements are classified in three groups, according to their relative radiotoxicity, as in Table 1, Annex 2 of the aforementioned Decree.				

Radioelements not included in the aforementioned table and of uncertain or unknown radiotoxicity shall be deemed to belong to the group with the highest radiotoxicity.

An establishment in which different groups of radioactive substances are subjected to operations falling under different headings is classified according to the "equivalent total activity" Q, which is that of an unsealed Group I source appearing under the heading "Use", as calculated from the formula :

$$Q = A_1 + \frac{A_2 + B_1}{10} + \frac{A_3 + B_2 + C_1}{10^2} + \frac{A_4 + B_3 + C_2}{10^3} + \frac{B_4 + C_3}{10^4} + \frac{C_4}{10^5}$$

where :

A₁ is the activity, in curies, of the Group I radioactive substances undergoing one of the operations included under headings 385 ter and 385 quinquies-I;

A₂ is the activity, in curies, of the Group I radioactive substances stored in the form of unsealed sources (item 385 quinquies-II);

A₃ is the activity, in curies, of the Group I radioactive substances contained in sealed sources;

A₄ is the activity, in curies, of Group I radioactive substances contained in sealed sources meeting special standards, provided it is less than the upper limits in item 385 quater 4(b);

B₁ B₂ B₃ B₄ (the same, for Group II radioactive substances);

C₁ C₂ C₃ C₄ (the same for Group III radioactive substances);

If the "Q", thus calculated, is greater than 100, the establishment shall be subject to the provisions of Decree No. 63-1228 of 11th December, 1963.

(Continued on next page)

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
385 ter	<p>Radioactive substances (preparation, fabrication, conversion and conditioning):</p> <p>1. Containing Group I radioelements:</p> <p>a) Total activity greater than or equal to one curie, but less than 100 curies</p> <p>b) Total activity greater than or equal to 10 millicuries, but less than 1 curie</p> <p>c) Total activity greater than or equal to 0.1 millicuries, but less than 10 millicuries</p> <p>2. Containing Group II radioelements:</p> <p>a) Total activity greater than or equal to 10 curies, but less than 1,000 curies</p> <p>b) Total activity greater than or equal to 100 millicuries, but less than 10 curies</p> <p>c) Total activity greater than or equal to 1 millicurie, but less than 100 millicuries</p> <p>3. Containing Group III radioelements:</p> <p>a) Total activity greater than or equal to 100 curies, but less than 10,000 curies</p> <p>b) Total activity greater than or equal to 1 curie but less than 100 curies</p>	<p>Accidental irradiation, air pollution, water pollution</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Accidental irradiation, air pollution, water pollution</p> <p>Ditto</p>	<p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>2</p>	<p>km</p> <p>1</p> <p>1</p> <p>1</p>	<p>15th April 1958</p>

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
385 quater	c) Total activity greater than or equal to 10 millicuries, but less than 1 curie	Ditto	3		
	Radioactive substances (use, depositing and storage) contained in sealed sources:				15th April, 1958
	1. Containing Group I radioelements:				
	a) Total activity greater than or equal to 100 curies, but less than 10,000 curies	Accidental irradiation, air pollution, water pollution	1	1	
	b) Total activity greater than or equal to 1 curie, but less than 100 curies	Ditto	2		
	c) Total activity greater than or equal to 10 millicuries, but less than 1 curie	Ditto	3		
	2. Containing Group II radioelements:				
	a) Total activity greater than or equal to 1,000 curies, but less than 100,000 curies	Ditto	1	1	
b) Total activity greater than or equal to 10 curies, but less than 1,000 curies	Ditto	2			
c) Total activity greater than or equal to 0.1 curie, but less than 10 curies	Ditto	3			
3. Containing Group III radioelements:					
a) Total activity greater than or equal to 10,000 curies, but less than 1,000 000 curies	Ditto	1	1		

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
385 quin- quies	b) Total activity greater than or equal to 100 curies, but less than 10,000 curies	Ditto	2		
	c) Total activity greater than or equal to 1 curie, but less than 100 curies	Ditto	3		
	<p>4. Notwithstanding the foregoing provisions:</p> <p>a) Establishments using or having in their possession mobile installations with sealed sources containing radioactive substances having an activity greater than or equal to the limit set in paragraphs 1(a), 2(a) or 3(a) shall be included in Class 1.</p> <p>b) Establishments using or having in their possession radioactive substances contained in sealed sources meeting the special conditions defined in an Order issued by the Minister of Industry shall be included:</p> <p>(1) In Class 2 if the activity is less than:</p> <p style="padding-left: 40px;">1,000 curies for Group I substances 10,000 curies for Group II substances 100,000 curies for Group III substances</p> <p>(2) In Class 3 if the activity is less than:</p> <p style="padding-left: 40px;">10 curies for Group I substances 100 curies for Group II substances 1,000 curies for Group III substances</p> <p>Radioactive substances in the form of unsealed sources</p>				15th April, 1958

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
	<p>I. <u>Use</u></p> <p>1. Involving Group I radioelements:</p> <p>a) Total activity greater than or equal to 1 curie, but less than 100 curies</p> <p>b) Total activity greater than or equal to 10 millicuries, but less than 1 curie</p> <p>c) Total activity greater than or equal to 0.1 millicurie, but less than 10 millicuries</p> <p>2. Involving Group II radioelements:</p> <p>a) Total activity greater than or equal to 10 curies, but less than 1,000 curies</p> <p>b) Total activity greater than or equal to 0.1 curie, but less than 10 curies</p> <p>c) Total activity greater than or equal to 1 millicurie, but less than 100 millicuries</p> <p>3. Involving Group III radioelements:</p> <p>a) Total activity greater than or equal to 100 curies, but less than 10,000 curies</p> <p>b) Total activity greater than or equal to 1 curie, but less than 100 curies</p> <p>c) Total activity greater than or equal to 10 millicuries, but less than 1 curie</p>	<p>Accidental irradiation, air pollution, water pollution</p> <p>Ditto</p>	<p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>2</p> <p>3</p>	<p>1</p> <p></p> <p></p> <p>1</p> <p></p> <p></p> <p>1</p> <p></p> <p></p>	

Number	INDUSTRY	HAZARDS	CLASS	RADIUS FOR WARNING NOTICES	DATE FIRST CLASSIFIED
	<u>II. Depositing or Storage</u>				
	1. Containing Group I radioelements:				
	a) Total activity greater than or equal to 10 curies, but less than 1,000 curies	Ditto	1	1	
	b) Total activity greater than or equal to 0.1 curies, but less than 10 curies	Ditto	2		
	c) Total activity greater than or equal to 1 millicurie, but less than 100 millicuries	Ditto	3		
	2. Containing Group II radioelements:				
	a) Total activity greater than or equal to 100 curies, but less than 10,000 curies	Ditto	1	1	
	b) Total activity greater than or equal to 1 curie, but less than 100 curies	Ditto	2		
	c) Total activity greater than or equal to 10 millicuries, but less than 1 curie	Ditto	3		
	3. Containing Group III radioelements:				
	a) Total activity greater than or equal to 1,000 curies, but less than 100,000 curies	Ditto	1	1	
	b) Total activity greater than or equal to 10 curies, but less than 1,000 curies	Ditto	2		
	c) Total activity greater than or equal to 0.1 curie, but less than 10 curies	Ditto	3		

No. 385 sexes - Radioactive substances

Storage, depositing, use, preparation, fabrication, conversion and conditioning of certain fissile materials.

Notwithstanding the provisions contained in items 385 ter, quater, and quinquies, establishments engaging in the storage, depositing, use, preparation, fabrication, conversion or conditioning of the following fissile materials are subject only to the provisions of Decree No. 63-1228 of 11th December, 1963, when the respective quantities so dealt with are greater than or equal to :

0.375 kg for plutonium 239;

0.375 kg for uranium 233;

0.6 kg for uranium 235;

0.6 kg for uranium 235 contained in uranium enriched to more than 6 per cent;

1.2 kg for uranium 235 contained in uranium enriched to between 1 and 6 per cent.

When different types of fissile materials are involved, the establishment concerned is subject to the provisions of the aforementioned Decree No. 63-1228 if the sum of the fractions obtained by dividing the mass of each material by the limit given in the above table is greater than unity.

• *United Kingdom*

Having regard to the importance of the 1965 United Kingdom Law on nuclear installations, it was felt that, although this text was not very recent, a translation into French might be useful.

Therefore, this law and its translation are reproduced in the supplement to this issue of the Bulletin.

• *Norway*

A translation of the complete text of the Norwegian draft Law on atomic energy is given in the Supplement to this issue of the Bulletin.

NUCLEAR LAW

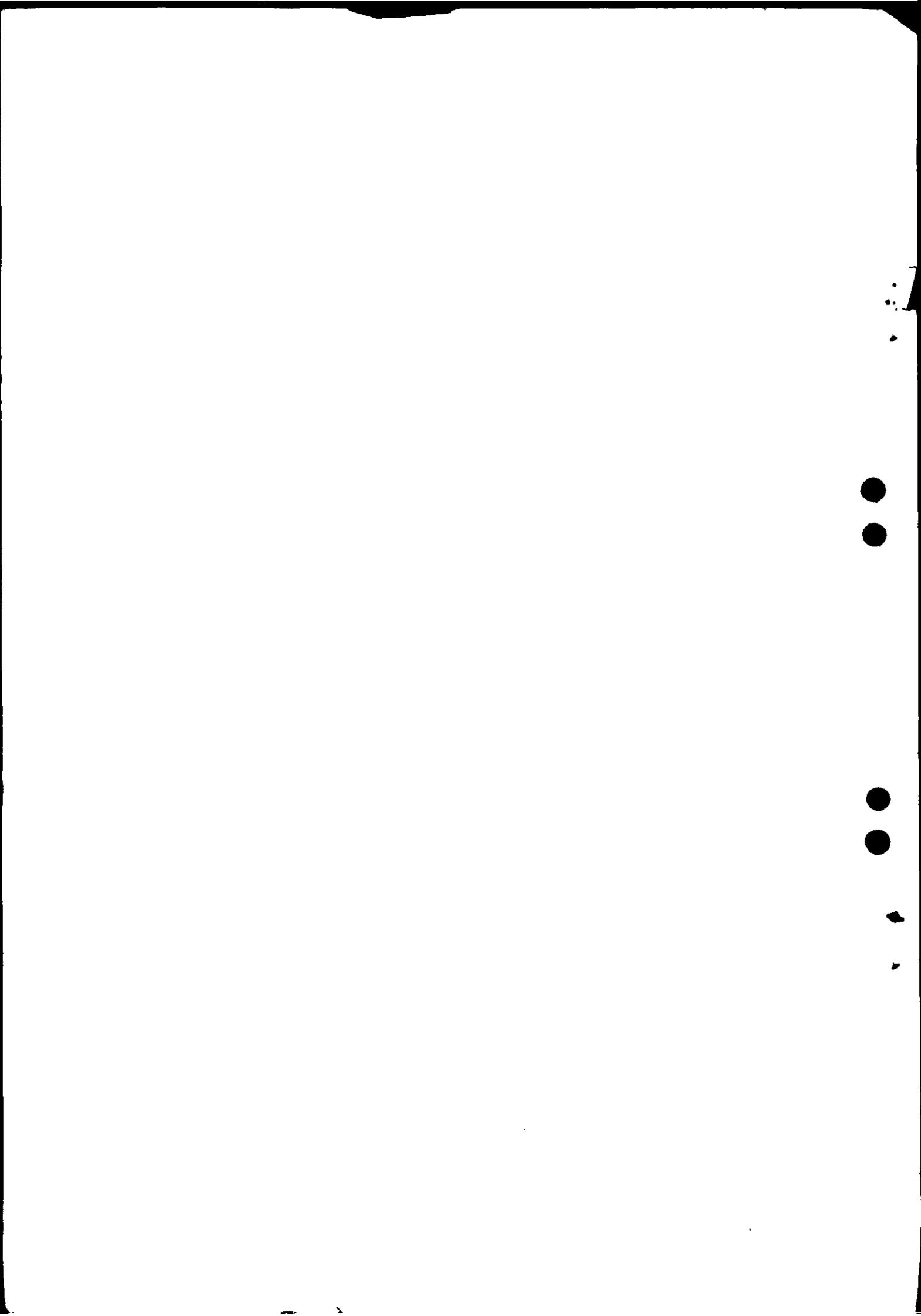
Bulletin

S U P P L E M E N T T O N ° 1

	<u>Page</u>
1. UNITED KINGDOM: ACT OF 1965 ON NUCLEAR INSTALLATIONS	3
2. NORWAY: DRAFT ACT ON THE USES OF ATOMIC ENERGY	41

February 1968

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U N I T E D - K I N G D O M

ACT OF 1965 ON NUCLEAR INSTALLATIONS

An Act to consolidate the Nuclear Installations Acts 1959 and 1965.

Done 5th August 1965

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Control of certain nuclear installations and operations

Section 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 ~~or 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 Minister 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 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 five years, or to both.

Section 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 for such a use of the site for purposes of research or development granted by the Authority or a government department, 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.

(2) Any person who contravenes the foregoing subsection 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 five years, or to both.

Nuclear site licences

Section 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 Minister 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 Minister 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 or local 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 Minister 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 Minister 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.

(6) The Minister 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 Minister is satisfied that there is no danger from ionising radiations from anything on that part of the site.

Section 4

(1) The Minister 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 Minister 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 -

- (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 Minister may at any time by instrument in writing attach to a nuclear site licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of nuclear matter.

(3) The Minister 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 Minister shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his 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 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 five years, or to both;

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 five pounds.

Section 5

(1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee.

(2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister 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 Minister 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 Minister 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 of the following dates is the earlier, that is to say -

- (a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister 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;
- (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 be liable -

- (a) on summary conviction -
 - (i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds;
 - (ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both;

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 five pounds.

(5) For the purposes of subsection (4)(a) of this section, a conviction under section 2(4) of the Act of 1959 by reason of a contravention of a direction in force under section 2(2) of that Act shall be deemed to be a conviction of an offence under subsection (4) of this section.

Section 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 by him 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

Section 7

(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 ionising 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 the 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.

Section 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.

Section 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 the 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.

Section 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.

Section 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

Section 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.

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

- (a) the operation of the Carriage of Goods by Sea Act 1924; or
- (b) the operation of the Carriage by Air Act 1932, the Carriage by Air Act 1961 or the Carriage by Air (Supplementary Provisions) Act 1962 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.

Section 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 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, not exceeding the amount of the payment made by him, and, in the case of a claim by virtue of paragraph (b) of this subsection, not exceeding five million pounds, 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.

(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.

Section 14

(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 rem against 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,

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

Section 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.

Section 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, five million pounds.

(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 19(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.

Section 17

(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.

(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 of five million pounds, or

(ii) in the case of a relevant foreign operator, up to such aggregate amount, not being less than one and three-quarter million pounds, 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.

(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

Section 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) and (3) 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
- (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 an aggregate amount of forty-three million pounds.

(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 -

- (a) 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;
- (b) unless that law provides a maximum aggregate amount of compensation in respect of the occurrence in question equivalent to forty-three million pounds and so provides in pursuance of a relevant international agreement, the said subsection (1) shall have effect in relation to that occurrence as if for the reference to forty-three million pounds there were substituted a reference to five million pounds.

(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.

Section 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 an aggregate amount of five million pounds 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.

(2) In this Act, the expression "cover period" means 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.

(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.

Section 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 million pounds, 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 period 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.

Section 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 of one and three-quarter million pounds 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.

(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 person 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.

(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

Section 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 Minister 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 and be liable on summary conviction -

(a) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds;

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

(3) For the purposes of subsection (2) of this section, a conviction under section 6(2) of the Act of 1959 shall be deemed to be a conviction under subsection (2) of this section.

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

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

(6) Where, in the case of an occurrence in Scotland which causes the death of any person, the Minister directs an inquiry to be held into the occurrence under subsection (5) of this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act 1895.

Section 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.

Section 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
- (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.

(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.

Section 25

(1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly; 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.

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 1(3), 2(2), 4(6), 5(4) 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 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.

Section 26

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

"the Act of 1959" means the Nuclear Installations (Licensing and Insurance) Act 1959;

"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 or scientific purposes;
- (b) natural uranium;
- (c) any uranium of which isotope 235 forms not more than 0.72 per cent;
- (d) nuclear matter of such other description, if any, 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" means an inspector appointed under section 24 of this Act;

"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), 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;

"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.

"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;

"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,

Section 27

(1) In the application to Northern Ireland of the following provisions of this Act (hereafter in this section referred to as "the designated provisions"), that is to say, sections 1 to 6 and 22 to 24 and the Schedule -

- (a) any reference to the Minister shall be construed as a reference to the Minister of Commerce for Northern Ireland;
- (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 reference to the Parliament of Northern Ireland;
- (e) for section 3(3)(b) and (c) there shall be substituted the following, that is to say -
 - "(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 the Schedule, 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.

(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.

(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 any 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) For the purposes of section 6 of the Government of Ireland Act 1920, the designated provisions and, so far as they relate to those provisions, section 25 of this Act and this section shall be deemed to have been passed before the appointed day within the meaning of the said section 6.

Section 28

(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.

Section 29

(1) The Nuclear Installations (Licensing and Insurance) Act 1959 and the Nuclear Installations (Amendment) Act 1965 except for section 17(2) of the said Act of 1965 are hereby repealed.

(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.

Section 30

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

(2) 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.

S C H E D U L E

Inquiries under section 22(5)

1. An inquiry in pursuance of a direction under section 22(5) of this Act with respect to any occurrence shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.
2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.
3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.
4. The court shall, for the purposes of the inquiry, have power -
 - (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
 - (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
 - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
 - (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
 - (e) to adjourn the inquiry from time to time; and
 - (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

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

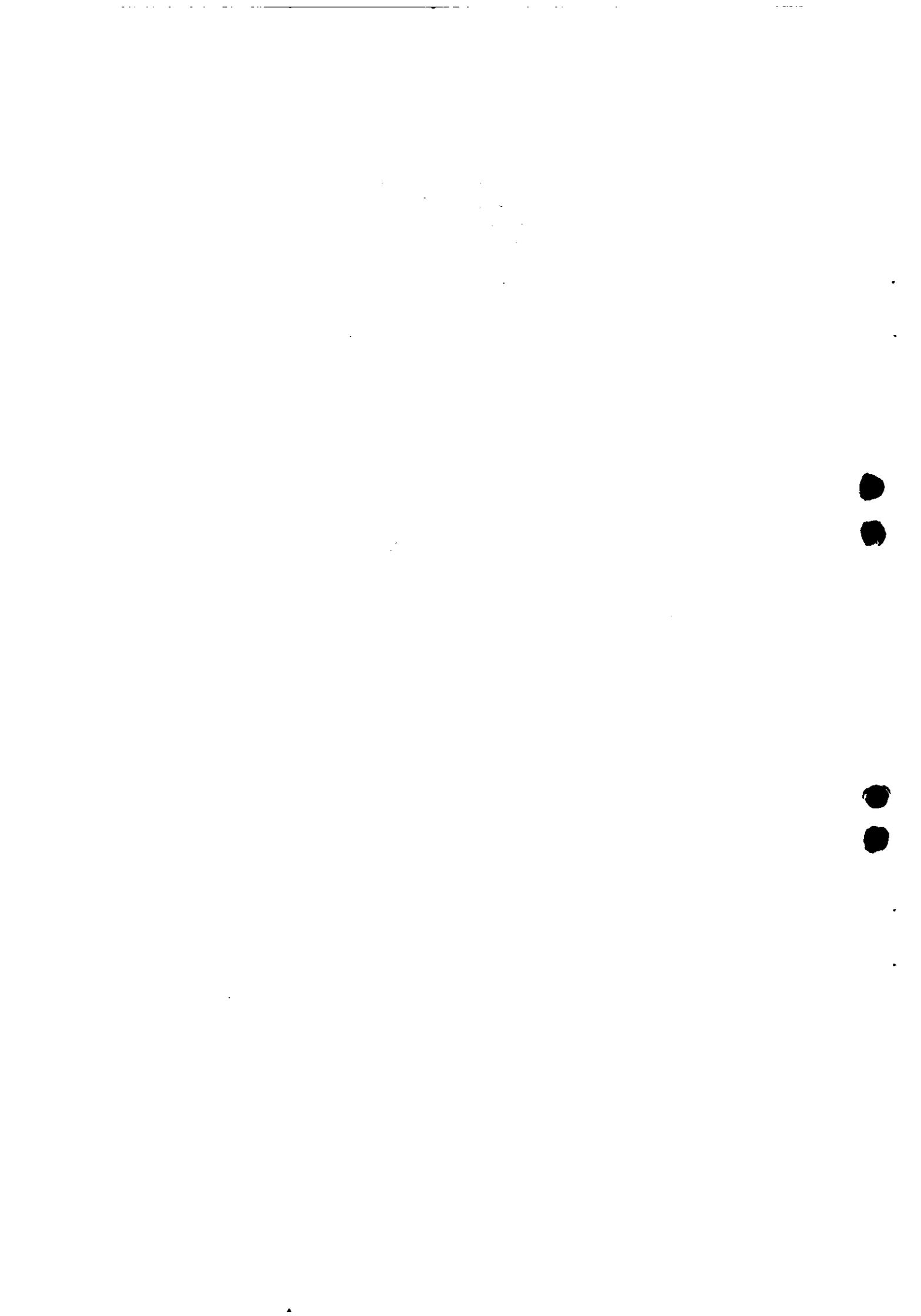
7. If any person -

(a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or

(b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

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

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.



N O R W A Y

DRAFT ACT ON THE USES OF ATOMIC ENERGY*

CHAPTER I. DEFINITIONS, ETC.

Section 1 - Definitions

In this Act -

- (a) the expression "nuclear fuel" means fissionable material consisting of uranium or plutonium in the form of a metal, an alloy or a chemical compound, and such other fissionable material as the Ministry may determine;
- (b) the expression "radioactive product" means any other radioactive material (including waste) produced in or made radioactive by exposure to the radiation incidental to the process of producing or utilizing nuclear fuel;
- (c) the expression "nuclear substances" means nuclear fuel other than natural uranium (uranium with a natural isotope mixture) and depleted uranium (uranium which has a smaller total content of the isotopes uranium 233 and uranium 235 than natural uranium), and radioactive products other than radioisotopes which are used for industrial, commercial, agricultural, medical or scientific purposes, or which are intended and immediately usable for such purposes.
- (d) the expression "nuclear reactor" means a plant which (not being a military weapon) contains nuclear fuel under such conditions that the fission of atomic nuclei can take place therein and be maintained in a chain reaction without an additional source of neutrons.
- (e) the expression "nuclear installation" means a nuclear reactor installation, a factory for the manufacture or processing of nuclear substances, a factory for the separation of isotopes of nuclear fuel, a factory for the processing of irradiated nuclear fuel, a facility for the storage of nuclear substances other than storage incidental to the carriage of such substances, and such other installations in which there are nuclear fuel or radioactive products as the Ministry may determine;

* This text is an unofficial translation prepared by the European Nuclear Energy Agency Secretariat.

- (f) the expression "Installation State" means the State within whose territory a particular nuclear installation is situated or, if the installation is not situated in the territory of any State, the State by which or under the authority of which the nuclear installation is operated;
- (g) the expression "operator of a nuclear installation" means the person authorised to operate the installation or whom the Ministry has designated as the operator or, failing that, the person who has control of the installation or, in the case of an installation in a foreign country, the person who is regarded as the operator under the law of the Installation State;
- (h) the expression "nuclear damage" means damage which is attributable to the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products;
- (i) the expression "nuclear incident" means any occurrence or succession of occurrences having the same origin which causes nuclear damage;
- (j) the expression "Paris Convention" means the Convention on Third Party Liability in the Field of Nuclear Energy, concluded in Paris on 29th July 1960 and amended by the Supplementary Protocol of 28th January 1964;
- (k) the expression "Supplementary Convention" means the Convention Supplementary to the Paris Convention, concluded in Brussels on 31st January 1963 and amended by the Supplementary Protocol of 28th January 1964;
- (l) the expression "Vienna Convention" means the Convention on Civil Liability for Nuclear Damage, concluded in Vienna on 21st May 1963;
- (m) the expression "Contracting State" means a State which is a party to both the Paris Convention and the Vienna Convention or to one of these Conventions to which Norway is also a party.

Section 2 - Exemptions

- (1) The Ministry may exempt from the provisions of this Act, either wholly or in part, certain kinds of nuclear installations, nuclear fuel, radioactive products or nuclear substances which, in its opinion, constitute no significant risk.

(2) If a question arises as to the third party liability of the operator of a nuclear installation in another Contracting State, any corresponding exemption as well as the scope thereof shall be governed by the statutory provisions of the Installation State, within the limits of the relevant convention to which Norway is also a party.

Section 3 - Two or more installations on the same site

(1) The Ministry may determine that two or more nuclear installations of one operator which are situated on the same site shall be considered wholly or in part as a single installation for the purposes of this Act.

(2) Where one or more plants in which radioactive material is located are situated within the site of one nuclear installation or of two or more nuclear installations which constitute one and the same installation, such plant or plants shall be considered part of the nuclear installation.

(3) The Ministry may prescribe the limits of an installation site.

CHAPTER II. NUCLEAR INSTALLATIONS

Section 4 - Licence for a nuclear installation

(1) It shall be unlawful to construct, own or operate a nuclear installation without a licence granted by the Crown. Such licence shall be valid for a specified place of operation. As a rule the duration of the licence should be limited to a specified period. A separate licence shall be required for the transfer of a nuclear installation or the operation thereof to a new owner or operator. In the determination of questions concerning licences, regard shall be had to safety and other public interests.

(2) Before a licence is granted the applicant must submit particulars of the building site, the purpose, nature and size of the installation and a statement and evaluation of the safety problems of the installation (hereinafter referred to as "the preliminary safety report"). Pending the grant of a definitive licence, preliminary approval may be given as to the proposed building site and other aspects of the licence application.

(3) A nuclear installation may not be put into operation until the consent of the State Atomic Inspectorate has been obtained in accordance with Section 9 of this Act.

(4) The Crown may issue regulations for the construction and operation of nuclear installations. It may also issue regulations with respect to the particulars to be included in licence applications and the procedure for dealing with such applications.

Section 5 - Conditions for the grant of a licence

(1) The grant of a licence shall be subject to such conditions as are considered necessary having regard to safety and other public interests.

(2) The Ministry may vary the conditions prescribed and impose fresh conditions where this proves necessary for safety purposes or to ensure the availability of compensation.

(3) On the application of the licensee the Ministry may make such amendments and additions to the conditions as it deems fit.

Section 6 - The operator's duty to take precautions against damage

(1) It shall be the duty of the operator of a nuclear installation to take all necessary precautions to ensure that no damage is caused as a result of radioactivity or other hazardous properties of nuclear fuel or radioactive products located on the site of the installation, which are removed or escape therefrom, or which are in the course of carriage on his behalf.

(2) It shall likewise be the duty of the operator to take all necessary precautions to ensure that after the cessation of operations the installation does not become a hazard to public safety.

(3) The precautions taken shall require the authorisation of the State Atomic Inspectorate.

Section 7 - Revocation of licences

A licence may be revoked where -

- (a) it becomes apparent that major prerequisites therefor have not been met;
- (b) conditions imposed or orders given are being grossly or repeatedly disregarded; or
- (c) the need for safety so requires.

Section 8 - Supervision of construction of nuclear installations

(1) The State Atomic Inspectorate shall exercise constant supervision over the construction of nuclear installations in order to ensure compliance with the terms and conditions of the licence.

(2) The State Atomic Inspectorate shall further ensure the implementation of all necessary safety precautions, including those described in the preliminary safety report (cf. section 4(2)). The Inspectorate may agree to vary such safety precautions where this is not incompatible with safety requirements.

(3) The Crown may issue regulations for such supervision.

Section 9 - Commencement of operations

(1) The operator of a nuclear installation shall not commence operations until he has received the authorisation of the State Atomic Inspectorate to do so. Before granting such authorisation the Inspectorate must be satisfied:

- (a) that the technical standards of the installation, the operating regulations and the proposed safety precautions are adequate;
- (b) that the management and personnel of the installation have the necessary qualifications and clearly defined spheres of responsibility;
- (c) that security has been furnished in accordance with sections 37 to 39 of this Act;
- (d) that all the necessary authorisations have been obtained from the competent authorities under other laws and regulations.

(2) In good time before any nuclear installation is put into operation the operator shall submit to the State Atomic Inspectorate a detailed safety report on the installation concerned.

(3) The State Atomic Inspectorate may, if it believes this will assist it in its appraisal of the installation, give separate consent to limited trial operation, subject to such conditions as may appear necessary.

Section 10 - Changes in operating conditions, etc.

Where an operator proposes to make an alteration in the construction, operation or management of the installation which constitutes a departure from the conditions on the basis of which

authorisation was granted under section 9(1) and which may affect safety, he must submit the matter to the State Atomic Inspectorate for authorisation before the alteration is put into effect. It shall also be his duty to notify the Inspectorate without delay of any incident and any interruption of operations which may affect safety.

Section 11 - Supervision of operations

(1) The operations of a nuclear installation shall be subject to the constant supervision of the State Atomic Inspectorate. The Inspectorate shall ensure that the conditions for the grant of a licence are observed, that the requirements of section 9(1) are satisfied at all times and that the operations of the installation (including the disposal of radioactive waste) are consistent with the operating regulations and are adequate in all other respects.

(2) The State Atomic Inspectorate may make such orders as are necessary to ensure that the requirements of subsection (1) of this section are satisfied. If necessary, the Inspectorate may order the cessation of all operations in the installation for such period as it deems fit.

Section 12 - Inspection, implementation of orders, etc.

(1) The State Atomic Inspectorate may at any time demand access to a nuclear installation and the surrounding site. It shall be the duty of everyone associated with the installation, notwithstanding any obligation he may otherwise have with regard to the preservation of secrecy, to furnish the Inspectorate with all the particulars it needs in order to exercise its supervision.

(2) If any order is not obeyed the State Atomic Inspectorate may request compulsory execution by the authorities competent to exercise attachment proceedings (namsmyndighetene) or assistance from the police. In cases of emergency the Inspectorate may also have the necessary safety precautions taken on its own initiative, at the expense of the owner of the installation and the operator. Claims by the public authority for the reimbursement of such expenditure may be enforced by distraint upon the owner and operator of the relevant installation.

Section 13 - Nuclear-powered means of transport

The Crown may issue special regulations for nuclear installations which are used in ships or on other means of transport, and for the admission of such means of transport to Norwegian territory and their operation therein. Where special circumstances so warrant, the regulations may contain provisions differing from those of this Act.

CHAPTER III. NUCLEAR FUEL, RADIOACTIVE PRODUCTS
AND NUCLEAR SUBSTANCES

Section 14 - Permit to possess nuclear substances, etc.

(1) It shall be unlawful to manufacture, own, store, handle, transport, sell or otherwise possess or dispose of nuclear substances without a permit from the Ministry concerned. A permit may be granted generally for a definite or an indefinite period or on an individual basis. It may be restricted to a special authorisation for one of the purposes enumerated in the first sentence or comprise two or more authorisations collectively. A permit shall not include the right to export material from Norway, unless this is specified.

(2) The Ministry may prescribe exceptions from the obligation to obtain a permit, subject, where necessary, to such conditions as it thinks fit to impose. It may, for instance, decide that carriage from or to a nuclear installation may, subject to specified conditions, be undertaken by carriers without a special permit.

(3) The Crown may decide that any person who intends to manufacture, own, store, handle, transport, sell or otherwise possess or dispose of nuclear fuel or radioactive products other than nuclear substances shall also be required to make notification or obtain a permit.

(4) The Ministry may issue regulations respecting applications for a permit and the handling of such applications.

Section 15 - Conditions for the grant of a permit, revocation, etc.

(1) A permit shall be granted subject to such conditions as are necessary having regard to safety and other public interests. The conditions imposed may include, for instance, a condition that the holder of a permit may only part with material in a manner authorised by the Ministry. It may also be prescribed that only authorised personnel shall superintend the handling thereof and have responsibility therefor. The condition may also be imposed that security shall be furnished for such third party liability as the holder of the permit or his employees may incur by reason of the material.

(2) The Ministry may alter the conditions prescribed and establish new conditions when this is considered necessary for reasons of safety or the protection of security.

(3) The provisions of section 7 (revocation of licences) shall apply, mutatis mutandis. The provisions of section 10 (changes in operating conditions, etc.) shall apply likewise; provided, however, that in such cases the supervising authority under section 17 shall be substituted for the State Atomic Inspectorate.

Section 16 - Obligation to take safety precautions

It shall be the duty of the operator and all other persons concerned with nuclear fuel or radioactive products to take all necessary precautions to ensure that no damage is caused as a result of radioactivity or other hazardous properties of the material.

Section 17 - Regulations and supervision

(1) The Crown may issue regulations for the handling, carriage, storage and other possession of nuclear substances or other nuclear fuel or radioactive products, inter alia, respecting the packaging and marking of the material.

(2) Every operation coming within the scope of section 14(1) and every operation which requires a permit or is subject to compulsory notification under section 14(3) shall be subject to the constant supervision of the State Atomic Inspectorate, save as otherwise decided by the Crown. The same shall apply to every operation for which regulations have been issued under subsection (1) of this section. The competent authority shall ensure that the regulations and the conditions for the grant of a permit are complied with and that in all other respects the operation is conducted properly. It shall make such orders as are necessary to ensure this. The Crown may issue regulations respecting the exercise of supervision.

(3) The provisions of section 12 (inspection, implementation of orders, etc.) shall apply, mutatis mutandis, to the supervising authority under this section in relation to operations subject to its supervision.

Section 18 - Certificate of Financial Security for Carriage

(1) Whenever a nuclear substance is consigned to or from a foreign country (including cases involving transit through Norway) the operator liable pursuant to Chapter IV shall furnish the carrier with a certificate issued by or on behalf of the insurer or other guarantor who has furnished security to cover the liability. The carrier may not commence carriage in Norway before obtaining the certificate. The certificate shall contain the following:

- (a) the name and address of the operator liable and particulars as to the material and the carriage in respect of which the security applies and as to the amount, type and duration of the security, and
- (b) a declaration from the authority appointed by the Ministry (or from the competent authority in a foreign country, where appropriate) to the effect that the person named is an operator within the meaning of the Paris Convention or of the Vienna Convention.

(2) The person issuing a certificate or the person on whose behalf it is issued shall be responsible for ensuring that the certificate correctly states the name and address of the operator liable and the amount, type and duration of the security.

(3) The Crown may issue regulations respecting the form of the certificate.

Section 19 - Right of pre-emption and requisition

Where it is necessary in order to ensure supplies for official needs the State may, against payment of compensation, requisition nuclear fuel and radioactive products. Material needed as a sample for the purposes of supervision may be requisitioned without compensation.

CHAPTER IV. COMPENSATION AND INSURANCE (NUCLEAR LIABILITY)

Section 20 - Territorial scope

(1) Damage caused by a nuclear incident which occurs in a non-contracting State shall not entitle the injured party to claim compensation under this chapter. The same applies to nuclear damage which occurs in such a State, unless the incident occurred in Norway and the operator of a nuclear installation in Norway is otherwise liable in respect of the incident under the provisions of this chapter. If the operator of a nuclear installation in a foreign country is liable in respect of the incident, the provisions of the Installation State respecting the territorial scope of the liability shall determine whether the operator is liable under this chapter in respect of nuclear damage that has occurred in a non-contracting State.

(2) The Crown may decide that no compensation shall be payable under this chapter or under other provisions in respect of nuclear damage which has occurred in a non-contracting State, except in so far as there is reciprocity by virtue of the legislation of such State or by virtue of an agreement. The Crown may make such decision generally applicable or applicable in relation to specified States.

(3) Notwithstanding the provisions of this section, remedy may be had against the operator concerned in accordance with the provisions of section 30.

Section 21 - Treating of a non-contracting State as a Contracting State

The Crown may decide that a non-contracting State may be treated wholly or in part as a Contracting State for the purposes of this chapter.

Section 22 - Operator's liability in respect of an incident in a nuclear installation

The operator shall be liable to pay compensation for nuclear damage caused by a nuclear incident which occurs in his nuclear installation; provided, however, that this shall not apply to nuclear damage which is attributable exclusively to the presence of nuclear substances which have been stored in the installation only incidentally to their carriage, if another operator is liable for the damage in virtue of a written contract and such liability is compatible with the provisions of section 23, in conjunction with section 25.

Section 23 - Liability in the course of carriage

(1) If a nuclear incident occurs during the carriage (including storage incidental to carriage) of nuclear substances from a nuclear installation in Norway or in another Contracting State, the operator of such installation (hereinafter referred to as the "consigning operator") shall be liable to pay compensation for nuclear damage which is attributable to the presence of such substances, save as otherwise provided in the succeeding subsections of this section.

(2) If the incident occurs after the substances have been taken in charge by the operator of another nuclear installation in Norway or in another Contracting State, such operator shall be liable instead to pay compensation, save in so far as another date for the transfer of liability has been stipulated by the express terms of a written contract between the consigning operator and the receiving operator. If the nuclear substances are being carried to, and intended for use in, a nuclear reactor which is comprised in a means of transport for use as a source of power, liability shall pass from the consigning operator as regards any nuclear incident that may occur after the date on which the operator of the nuclear reactor installation comprised in such means of transport has taken the substances in charge.

- (3) If nuclear substances are being consigned from a non-contracting State to a nuclear installation in Norway or in another Contracting State with the written consent of the operator of such installation, the latter shall be liable for any nuclear incident that occurs in the course of carriage. If nuclear substances are being consigned from a nuclear reactor installation comprised in a means of transport for use as a source of power to a nuclear installation in Norway or in another Contracting State, the receiving operator shall be liable for any nuclear incident that occurs after he has taken the substances in charge.
- (4) The consigning operator and the receiving operator shall both be liable in accordance with the Paris Convention and the Vienna Convention, respectively, with regard to any nuclear incident that may occur during the carriage of nuclear substances from a nuclear installation in a foreign State which is a party to only one of the said Conventions to a nuclear installation in a foreign State which is a party to the other Convention only.
- (5) If at the time of the incident the nuclear substances concerned are being carried between countries which are not Contracting States or treated as such, and if the nuclear incident occurs in Norwegian territory or on the high seas outside Norwegian territory the general rules for compensation shall apply. The operator concerned or another person on whose behalf the consignment is effected shall be liable irrespective of who is at fault for the damage.
- (6) The Crown may make regulations respecting the cases in which and the conditions subject to which operators of nuclear installations in Norway shall or may enter into a contract respecting the transfer of liability under this section (cf. subsections (1) to (3)).

Section 24 - Operator's liability in other cases

If at the time of the incident nuclear substances which have caused damage are neither located in a nuclear installation nor being transported, the party liable in respect of the nuclear damage shall be the operator of the nuclear installation in a Contracting State who had the nuclear substances in his possession at the time of the incident or most recently prior to the incident; provided, however, that if the nuclear substances were in the course of carriage and if no operator in a Contracting State had acquired possession thereof between the interruption of the carriage and the incident, compensation for the damage shall be payable by the operator or other person who at the time when the carriage was interrupted was liable in virtue of section 23 in respect of a nuclear incident in the course of carriage. If the nuclear substances had last come from a non-contracting State in any other manner, and no operator in a Contracting State had acquired possession thereof prior to the incident, the provisions of section 23(5) shall apply, mutatis mutandis.

Section 25 - Liability of licensed carrier

The Crown may, on the application of a carrier or similar person who undertakes carriage coming within the scope of section 23, decide that the applicant shall be liable in place of the operator of a nuclear installation in Norway in respect of nuclear incidents occurring in the course of carriage. Such decision may not be taken without the consent of the operator or in the absence of a declaration of security in accordance with section 39. If such decision is taken, whatever applies in virtue of this Act to the operator shall apply instead to the applicant as regards a nuclear incident in the course of carriage. The same shall apply where a corresponding decision is taken in virtue of the law of another Contracting State as regards any damage for which the operator of a nuclear installation in such State would otherwise be liable.

Section 26 - Absolute liability, etc.

- (1) Compensation for damage shall be payable by the operator, irrespective of whether he is at fault for the damage.
- (2) The operator of a nuclear installation in Norway shall not be liable under this chapter if the nuclear incident is directly due to an act of war or other hostile act in the course of armed conflict, invasion, civil war or insurrection, or where it is directly attributable to a grave natural disaster of an exceptional character. In such cases the liability of the operator of a nuclear installation in a foreign country shall be governed by the law of the Installation State.
- (3) Compensation for non-financial damage shall be payable only if the operator of the installation is liable in respect of the damage by virtue of the provisions of section 19 or section 21 of the Act on the Application of the Penal Code.

Section 27 - Damage to the installation itself and the appurtenance thereof

- (1) Subject to section 29(2) the provisions of this chapter shall not apply to damage caused to the nuclear installation itself or to any property which at the time of the incident was on the installation site and was being used or was there to be used in connection with that installation.
- (2) The provisions of subsection (1) shall apply to damage which is caused in the course of carriage to the means of transport on which the nuclear substances causing the damage were located when the nuclear incident occurred, if the operator

of a nuclear installation in a foreign Contracting State is liable in respect of the incident but is exempted under the law of the Installation State from nuclear liability as regards damage to the means of transport.

Section 28 - Contributory responsibility of injured party

If an injured party has contributed to the damage either wilfully or through gross negligence the compensation may be modified.

Section 29 - Exclusion of claims against persons other than the operator

(1) Claims for compensation in respect of nuclear damage may not be brought against any person other than the operator concerned or his insurer or guarantor if the operator is liable under this chapter or corresponding provisions in another Contracting State. This rule shall also apply in cases where the claim against the operator, etc., has lapsed by reasons of statutory limitation (cf. section 36).

(2) Claims for compensation in respect of nuclear damage for which the operator is not liable under section 26(2) or section 27 or corresponding provisions in another Contracting State may only be enforced against an individual who has himself wilfully caused the damage; provided, however, that in the absence of any agreement to the contrary, the operator himself shall be liable in accordance with the general provisions on compensation in respect of damage to a means of transport in cases coming within the scope of section 27(2).

(3) The provisions of this section shall not preclude claims for compensation under any international agreement in the field of transport or under legislation based on the principles contained in such agreement, provided that the agreement was in force or was open for signature, ratification or accession on 29th July 1960.

(4) The provisions of sections 40 to 45 shall apply as regards cover out of State funds.

Section 30 - Remedy against the operator

(1) The person who is liable to pay compensation in Norway or in a foreign country under provisions coming within the scope of section 29(3) or under the laws of a non-contracting State may claim payment (hereinafter referred to as "remedy") from the operator or guarantor concerned within the limits applicable to compensation under this chapter and subject to the exceptions provided for in this section.

(2) If the nuclear incident occurred or the damage was caused in a non-contracting State, remedy from the operator, who but for section 20 would have been liable for the damage, may only be claimed by a person having his principal place of business in Norway or in another Contracting State, or by the servant of such a person; provided, however, that in the case of carriage within the meaning of section 23(1) to a consignee in a non-contracting State the liability of the consigning operator shall not in any circumstances extend to a nuclear incident which occurs after the nuclear substances are unloaded in the territory of the country of destination from the means of transport which conveyed it to that country. In the case of carriage coming within the scope of section 23(2) from a consignor in a non-contracting State the liability of the consignee operator shall not extend to a nuclear incident which occurs before the nuclear substances are loaded on to the means of transport which is to convey it from the territory of the consigning State.

(3) Remedy within the meaning of this section cannot be claimed if the claimant has, by means of a contract with the operator, expressly undertaken to cover the damage or is otherwise obliged to provide cover for the damage under section 35.

(4) If an agreement with a foreign State so requires, the Crown may issue regulations whereby -

- (a) only nationals of or institutions or undertakings domiciled in a State which is a party to the Vienna Convention shall be entitled to enforce claims for remedy under this section against the operator of a nuclear installation in a State which is a party to the Vienna Convention but not to the Paris Convention;
- (b) claims for remedy in cases coming within the scope of subsection (2) of this section shall not be enforceable against the operator of a nuclear installation in a State which is a party to the Vienna Convention but not to the Paris Convention, and whereby such State shall not be regarded as a Contracting State for the purposes of the said provision.

Section 31 - Damage treated as nuclear damage, etc.

(1) If any person has sustained simultaneously both nuclear damage entitling him to compensation under this chapter and other damage, the entire damage shall be treated as nuclear damage for the purposes of this chapter to the extent that it is not reasonably possible to separate one type of damage from the other.

(2) The provisions of subsection (1) shall not in any way affect the third party liability of persons other than the operator liable, by virtue of other legislation, in respect of damage caused by ionizing radiation which does not come within the scope of this chapter.

Section 32 - Limitation of liability

(1) The total liability of the operator in respect of nuclear damage caused by one and the same nuclear incident shall, as a rule, be limited to 70 million kroner. In special cases the Crown may, having regard to the size and nature of the installation and other circumstances, prescribe a different maximum amount, which may not be less than 35 million kroner.

(2) If the nuclear installation of the operator liable is situated in another Contracting State, the law of such State as concerns maximum liability shall apply, even if Norwegian law is otherwise applicable.

(3) If, in the case of a nuclear incident in the course of carriage, nuclear damage is caused to the means of transport on which the nuclear substances causing the damage were located when the incident occurred, liability in respect of such damage shall not have the effect of limiting liability in respect of other nuclear damage to an amount lower than the equivalent of 5 million units of account within the meaning of the European Monetary Agreement of 5th August 1955, as decided on 29th July 1960.

(4) The limitation prescribed in subsections (1) to (3) of this section shall not apply to interest and costs.

Section 33 - Damage caused by two or more installations

(1) If two or more operators are liable for compensation in respect of the same damage they shall be jointly and severally liable towards the injured parties, but each operator shall be liable only up to the maximum limit established with respect to him under section 32; provided, however, that, if the damage is the result of a nuclear incident during the carriage of nuclear substances, and the substances are located on one and the same means of transport, or in the case of storage incidental to the carriage, in one and the same nuclear installation, the maximum total amount for which such operators shall be liable shall be the highest amount established with respect to any of them under section 32, on condition that their nuclear installations are situated in the same State or in States which are parties to the same convention.

(2) Liability shall be shared by the operators with due regard to each installation's share in the damage and to all other relevant circumstances.

Section 34 - Apportionment of claims exceeding the maximum amount

(1) If the maximum amount of liability under section 32, as further defined in section 33, is not sufficient to satisfy in full the claims of all injured parties, the compensation and the relevant interest shall be reduced proportionally. Such reduction must be authorised by a decision of the probate court (skifterett).

(2) The Ministry may decide that in apportioning the maximum amount of liability, preferential treatment shall be given to compensation in respect of personal injury, up to such maximum amount per person as the Ministry itself shall determine.

(3) If, after a nuclear incident has occurred, there is reason to believe that the total damage will exceed the maximum amount of liability under section 32, as further defined in section 33, the operator liable and his insurer or guarantor shall ensure as soon as possible that the Ministry receives written notification of this fact together with full particulars as to the extent of the damage. In such cases the Ministry may decide that until further notice the injured parties shall be paid such proportion of their claims for compensation as, in the light of the claims filed, there is considered to be cover for, or only such proportion as there is cover for after a reserve has been set aside to cover possible subsequent claims.

(4) The Crown may issue provisions to supplement the provisions of this section. Save as otherwise provided by the Crown, the Probate Act (skifteloven) shall apply, mutatis mutandis, in so far as it is relevant to decisions of the probate court (skifteretten) under this section. The provisions of sections 46 and 47 with respect to territorial jurisdiction shall apply, mutatis mutandis, to the probate court. The Crown may decide that a Norwegian probate court shall have jurisdiction where the nuclear installation concerned is situated in Norway, irrespective of whether proceedings concerning liability would otherwise come within Norwegian jurisdiction.

Section 35 - Remedy from the operator

An operator who is liable under this chapter or corresponding provisions in another Contracting State shall not be entitled to seek payment (remedy) from another party in respect of such liability unless the party concerned -

- (a) has expressly undertaken by contract to cover the damage; or
- (b) is an individual who has himself wilfully caused the damage, or
- (c) is liable in respect of ionizing radiation within the meaning of section 31(2); or
- (d) is a jointly liable operator (cf. section 33(2)).

Section 36 - Lapse of compensation claim after expiry of ten years

(1) Whether or not a claim for compensation or remedy against an operator has become barred by limitation earlier under the general provisions respecting statutory limitation, it shall lapse if it is not recognised or brought by judicial proceedings within ten years after the nuclear incident to which it relates.

(2) If the nuclear incident is attributable to nuclear substances which have been stolen, lost or abandoned and have not been recovered at the time of the incident, a claim for compensation in respect of nuclear damage caused by such incident shall not lie against the operator after the expiry of twenty years from the date of the theft, loss or abandonment.

(3) If under a convention two or more Contracting States have jurisdiction (cf. section 46) in respect of the claim for compensation, the claim shall subsist even if -

- (a) judicial proceedings for the satisfaction of the claim are instituted in one such foreign Contracting State within the time-limits in force in that State and before jurisdiction is assigned exclusively to another country by a decision of the international Tribunal referred to in Article 17 of the Paris Convention or in any other manner prescribed by a convention, or
- (b) a request is submitted in due time to the appropriate authority in a Contracting State for the institution of proceedings for a decision as to jurisdiction in accordance with the Paris Convention or the Vienna Convention.

Where jurisdiction is assigned to Norway by a decision within the meaning of paragraph (a) or paragraph (b) above, the effect of the timely judicial proceedings or request shall lapse if the claim is not subsequently brought in Norway within such period as may be fixed by the said international Tribunal or in any other manner prescribed by a convention or (if no such period is fixed) within six months after the date of the decision.

(4) This section shall not apply to the State's right of recourse against operators under section 40(2)(b) or section 45.

Section 37 - Insurance or other security

(1) In order to cover liability in respect of nuclear damage under this chapter or corresponding provisions in another Contracting State, the operator of every nuclear installation in Norway shall take out and maintain in force such insurance or shall furnish such other security as the Ministry sees fit to authorise.

(2) The Crown may, however, decide for a specified period of time that the Ministry may approve insurance or other security which is limited to a total maximum amount for a certain term and consequently does not fully cover the operator's maximum liability in respect of every possible nuclear accident (cf. section 32), on condition that the maximum amount is at least 20 per cent greater than the operator's maximum liability in respect of each individual incident. If there is reason to believe that such insurance or security has, as a result of damage that has occurred, fallen below the operator's maximum liability per incident, the Ministry shall revoke the authorisation until such time as the insurance or security has been brought up to the original maximum amount.

(3) The Ministry may approve separate insurance or other security to cover liability in respect of nuclear incidents occurring in the course of carriage to and from the installation concerned.

(4) It shall be the duty of the operator to obtain in good time the Ministry's decision as to when an insurance or security must come into force. The Ministry shall decide with binding effect on the operator how long the latter shall be required by law to maintain an insurance or security in force.

Section 38 - Exemption of the State: security in the form of a State guarantee

(1) The State shall not be required to furnish security.

(2) Where the public interest so requires, the Crown may, by means of a State guarantee, within such limits and subject to such conditions as the Storting may prescribe, furnish security within the meaning of section 37 for an operator.

Section 39 - Declaration of security

(1) The insurer or the person furnishing security (hereinafter referred to as "the guarantor") shall submit to the competent authority a declaration of security for possible

injured parties, in such form and containing such particulars as the Ministry shall prescribe. Every declaration of security shall satisfy, inter alia, the following conditions which shall apply to the security until such time as it is replaced by a new authorised security:

- (a) The injured parties shall be entitled to deal directly with the guarantor notwithstanding the relationship between the latter and the liable operator.
- (b) The security shall be valid for an unlimited period and irrespective of any change in the identity of the owner or operator of the nuclear installation, provided, however, that security for carriage may be limited to the duration of the carriage. The Ministry shall also have general power to authorise in special circumstances security of limited duration.
- (c) The security may only be revoked or otherwise terminated upon at least two months' prior notice in writing to the competent authority; provided, however, that in the case of a nuclear incident which occurs in the course of carriage commenced before the notice was received the security shall remain in force during the period of the carriage in question.
- (d) In the case of damage caused by a nuclear incident which occurs while the security is in force, the injured parties may also invoke the security after it has been terminated.

(2) If and as soon as a claim for compensation can be enforced in Norway under this chapter, the provisions of subsection (1)(a) to (d) of this section shall automatically apply, mutatis mutandis, as regards the claim, notwithstanding that the relationship between the guarantor and the operator is otherwise governed by the legislation of a foreign country and whether or not the installation of the operator liable is situated in a foreign country.

Section 40 - Responsibility of State to secure enforcement of operator's liability

(1) Within the limits of the amount of liability prescribed in subsection (1), and further defined in subsections (3) and (4) of section 32, the State shall guarantee enforcement of the liability in respect of nuclear incidents which operators of nuclear installations in Norway have by virtue of this chapter or corresponding provisions in another Contracting State; provided; however, that this shall not apply to possible liability in respect of a nuclear incident within the meaning of section 26(2).

(2) The State may only claim payment (recourse) for expenditure under this section -

- (a) from a person who is liable for remedy to the operator concerned under section 35;
- (b) from the operator himself if he has failed to discharge his obligation to take out and maintain in force insurance or to furnish other security in accordance with section 37, or if the security has expired, or
- (c) from the guarantor concerned, in so far as he is liable in respect of the damage.

Section 41 - Supplementary payments out of State funds under the Supplementary Convention

(1) To the extent that a claim for compensation against an operator of a nuclear installation used for peaceful purposes situated in Norway or in another State which is a party to the Supplementary Convention cannot be satisfied by reason of the limitation of liability under section 32, as further defined in section 33, but can in other respects be brought - and has been brought in good time - against the operator in accordance with the provisions of this chapter, the claims shall be paid out of State funds up to the limits prescribed in section 42 if -

- (a) at the time of the incident the installation of the operator liable was included in the list referred to in Article 13 of the Supplementary Convention, and
- (b) proceedings in respect of the operator's liability come under Norwegian jurisdiction by virtue of section 46, and
- (c) the nuclear incident did not occur exclusively in a State which is not a party to the Supplementary Convention, and
- (d) the claims relate to nuclear damage suffered -
 - (i) in Norway or in another State which is a party to the Supplementary Convention, or
 - (ii) on or over the high seas on board a ship or aircraft registered in a State which is a party to the Supplementary Convention, or
 - (iii) on or over the high seas, by a national of a Contracting Party or a person assimilated by a Contracting Party to its own nationals, provided, however, that it shall be a further condition in the case of damage caused to a ship or aircraft that at the time of the

incident such ship or aircraft was registered in a Contracting Party.

(2) For the purposes of this section the expression "national of a Contracting Party" shall be deemed to include the State itself, its administrative divisions or units and a public company, society, foundation, partnership or any other association which has its registered address in, or is otherwise domiciled in, such State. A person who is domiciled in Norway or in Denmark shall also be treated as a Norwegian or Danish national, as the case may be. The expression "national of another Contracting Party" shall, in appropriate cases, be deemed to include a person who is regarded as domiciled in such State by virtue of the legislation thereof and who, by virtue of a decision of the Government of that State, is to be treated as a national as regards entitlement to compensation under the Supplementary Convention.

(3) Irrespective of whether the operator is liable, claims arising out of a nuclear incident coming within the scope of section 26(2) or damage within the meaning of section 27 shall not qualify for payment out of State funds under this section. Claims for remedy under subsection (1), as further defined in subsection (3), of section 30 may so qualify to the extent that they are based on a redeemed claim for compensation to which this section is applicable, on condition that nothing to the contrary is stipulated in a contract entered into with the operator liable or with the State.

(4) The Crown may decide that the operator or his guarantor, whichever is appropriate, shall, in accordance with the rules prescribed, superintend the assessment of the damage (skadeoppgjøret) as regards the supplementary payments.

Section 42 - Limitation of supplementary payments, etc.

(1) The aggregate amounts of compensation which may be claimed in respect of nuclear damage resulting from one and the same nuclear incident, partly from the operator or operators liable under the provisions of this chapter and partly out of State funds under section 41, shall not exceed an amount in Norwegian kroner equivalent to 120 million units of account within the meaning of the European Monetary Agreement of 5th August 1966, as determined on 29th July 1960. This shall not include interest and costs.

(2) If an agreement concerning payment out of State funds within the meaning of Article 15 of the Supplementary Convention has been concluded between a Contracting State within the meaning of that article and another State, and if the agreement covers a nuclear incident to which section 41 of this Act applies, compensation under such agreement shall also be included in the maximum amount prescribed in subsection (1).

(3) If the maximum amount prescribed in subsection (1) and further defined in subsection (2) is not sufficient to ensure full satisfaction of all claims in accordance with section 41, the amounts of compensation together with the relevant interest shall be reduced proportionally. The provisions of section 34 shall apply, mutatis mutandis.

Section 43 - State liability in respect of certain lapsed claims

(1) A claim for compensation which has lapsed by reason of the periods of ten years or twenty years stipulated in section 36, or corresponding provisions in another Contracting State, shall be paid by the State if the claim relates to personal injury sustained in Norway as a result of a nuclear incident for which the operator of a nuclear installation in Norway was liable, provided that there is a valid reason why the claim was not brought against the operator in good time. In order to subsist, the claim must be brought by judicial proceedings (skritt) against the Ministry concerned before the date on which the operator's liability would have been barred by limitation under the general Norwegian provisions respecting statutory limitation and not later than thirty years after the date of the nuclear incident. If other claims arising out of the same incident have not been satisfied in full by reason of the limiting provisions of section 34 or section 42 (as the case may be) or by virtue of corresponding provisions in another Contracting State, there shall be a proportionate reduction of the compensation out of State funds under this section.

(2) The Crown may decide that compensation shall be paid under this section subject to specified conditions, even if the nuclear damage occurred outside Norwegian territory.

Section 44 - State liability in the case of certain discrepancies between the Paris Convention and the Vienna Convention

(1) If the operator of a nuclear installation in Norway would be liable by virtue of the legislation of two or more Contracting States, in accordance with the Paris Convention, on the one hand, and the Vienna Convention, on the other, to pay amounts of compensation which in the aggregate exceed his maximum liability under section 32, as further defined in section 33, the Crown may decide that the State shall pay the amount in excess in so far as this is necessary; provided, however, that this shall not apply where the damage can be covered by a supplementary payment under section 41 or in any other way under the provisions of the Supplementary Convention.

(2) The provisions of section 41(4) shall apply, mutatis mutandis, as regards the assessment of the damage (skadeoppgjøret).

Section 45 - The State's right of recourse

Except as otherwise provided under this chapter or an agreement with a foreign State, the State may only claim payment (recourse) in respect of disbursements under sections 41 to 44 from an individual who has himself caused the damage wilfully, from a person who is liable for ionizing radiation within the meaning of section 31(2) or, under the terms of a contract, from a person who has expressly undertaken to cover the damage. The same shall apply, mutatis mutandis, as regards recourse for other payments under the Supplementary Convention arising out of a nuclear incident for which the operator of a nuclear installation in Norway or in another Contracting State is liable under the legislation in any such State.

Section 46 - Norwegian jurisdiction

(1) Proceedings concerning the liability of an operator or his guarantor in respect of nuclear damage under this chapter shall be brought in a Norwegian court of law -

- (a) if the nuclear incident has occurred wholly or partly in Norwegian territory or (in cases to which section 23(5), in conjunction with section 24, is applicable) on the high seas outside Norwegian territory, or
- (b) if the nuclear installation concerned is situated in Norway and the incident occurred outside the territory of any Contracting State or the place of the incident cannot be determined with certainty.

(2) Proceedings concerning claims against an operator or his guarantor under section 29(2), second sentence, section 33(2), section 40(2) or section 45 may also be brought in Norway if a Norwegian court has jurisdiction under the general rules of procedure.

(3) Notwithstanding the above, proceedings concerning liability may not be brought or continued in a Norwegian court under this section if -

- (a) the international Tribunal referred to in Article 17 of the Paris Convention decides that the courts in another Contracting State shall have exclusive jurisdiction as regards proceedings concerning liability, or
- (b) the Crown decides, in order to comply with provisions concerning jurisdiction contained in an agreement with a foreign State, that the case shall not come within Norwegian jurisdiction.

(4) The competent Ministry may, either on its own initiative or at the request of an interested party, request the aforesaid international Tribunal to decide in which State proceedings shall be brought. If it is necessary in order to comply with provisions concerning jurisdiction, etc., in an agreement with a foreign State or to secure the bringing of claims against an operator in Norway or his guarantor in accordance with the provisions of this chapter, the Crown may decide that proceedings concerning liability for a nuclear incident shall come within Norwegian jurisdiction, even in cases where this does not follow from the provisions of subsection (1) or subsection (2) of this section.

Section 47 - Local jurisdiction in Norway

(1) Except as otherwise provided in this section, proceedings which, under section 46, come within Norwegian jurisdiction may only be brought in the judicial district in Norway in which the nuclear incident occurred.

(2) If the nuclear incident occurred outside Norway, proceedings may only be brought in the judicial district in Norway in which the relevant nuclear installation in Norway is situated, or (where the case relates to the liability of an operator of a nuclear installation abroad) in accordance with section 39 of the Administration of Justice Act (domstolloven).

(3) If under the foregoing provisions proceedings concerning liability in respect of the same nuclear incident can be brought in more than one judicial district, the competent Ministry shall decide where the case is to be tried, provided, however, that proceedings coming within the scope of section 46(2) may be brought in any judicial district having jurisdiction for the case by virtue of the general rules of procedure. On receipt of an application the Ministry may also decide as to the jurisdiction if it cannot be determined with certainty in which judicial district proceedings must be brought in accordance with the foregoing provisions. Chapter 2 of the Administration of Justice Act (domstolloven) shall apply.

(4) Proceedings against the State under sections 40 to 44 shall be brought in the judicial district having jurisdiction under the foregoing provisions of this section to try actions against the operator in respect of the same nuclear incident.

Section 48 - Recognition and enforcement of foreign judgments

(1) A judgment against an operator or his guarantor in a case concerning liability in respect of nuclear damage shall have binding effect and shall be enforceable in Norway subject to the limitation of liability under section 32, as further

defined in section 33, if such judgment has been pronounced in accordance with the Paris Convention or the Vienna Convention by a court of law in a Contracting State and is enforceable in Norway. This shall not apply to interim judgments. Enforcement shall be effected in accordance with the provisions of the Compulsory Enforcement Act and there shall be no review of the merits of the case other than that allowed by the relevant Convention.

(2) An application for the enforcement of a foreign judgment as aforesaid shall be made to the competent court for attachment proceedings (namsrett) together with -

- (a) certified copy of the judgment;
- (b) a declaration from the authorities in the country of the court that the judgment concerns compensation for nuclear damage by virtue of the provisions of the Convention and that it is enforceable in that country, and
- (c) an authorised translation into Norwegian of any document in a foreign language other than Danish or Swedish.

(3) The provisions of this section shall apply, mutatis mutandis, to judicial settlements having the force of a judgment.

Section 49 - Ship's reactors, etc.

(1) In the absence of any express provision to the contrary, the provisions of this chapter shall not apply to a nuclear reactor which is comprised in a ship or other means of transport and which is used or intended for use as a source of power.

(2) The Crown may make the provisions of this chapter wholly or partly applicable, with the necessary modifications, to such nuclear reactors. The Crown may also make the provisions of an international agreement concerning means of transport equipped with such nuclear reactors wholly or partly applicable thereto, whether Norway is a party to the relevant agreement or not. In all cases the operator's liability may be limited to such amount as the Crown establishes. A decision taken under this subsection may be generally applicable or be applicable to a particular ship or other means of transport only.

CHAPTER V. MISCELLANEOUS

Section 50 - State Atomic Inspectorate

(1) The State Atomic Inspectorate shall be directed by an executive board the members of which, together with personal alternates, shall be appointed by the Crown for a term of four years. The Crown shall decide as to the composition of the board, the number of members and who shall be chairman and vice-chairman.

(2) Besides performing the tasks assigned to it by the Act, the Inspectorate shall assist the Ministry by making recommendations and giving advice.

(3) Regulations for the organisation and activities of the Inspectorate shall be issued by the Crown. The Crown may also issue regulations concerning the relationship between the Inspectorate and other supervisory authorities.

Section 51 - Public safety precautions

The Crown may decide that municipal and county authorities in the area in which a nuclear installation has been or is being constructed, or in the danger area surrounding such installation, shall collaborate with the operator with respect to safety precautions for the protection of the population in the area. Under regulations to be issued by the Crown a plan should be prepared for safety precautions and relief measures in the event of an incident, including, where necessary, compulsory evacuation.

Section 52 - Registration, etc., of damage

Where a nuclear incident has occurred the Ministry order that all persons who were in the danger area at the time of the incident shall inform the health council or the police of that fact within a specified time-limit and furnish the information required for the registration of damage and potential damage and undergo a medical examination when so summoned or notified by the health authorities.

Section 53 - Control to ensure the peaceful utilisation of nuclear power

The Crown may issue such regulations as are necessary to ensure and to ascertain by control that nuclear installations, nuclear fuel and radioactive products are used for peaceful purposes only. The Crown may decide, inter alia, that Norwegian and foreign inspectors shall, for the purposes of control, be entitled to obtain access to places in which installations or materials as aforesaid are located, or where there is reason to believe that such materials are located. To the extent that an agreement with a foreign State so provides, foreign inspectors shall be authorised to accompany Norwegian inspectors and to familiarise themselves with material under control (kontrollmateriale).

Section 54 - Obligation to preserve secrecy

Subject to the limitations arising out of duties under this Act, it shall be the duty of every person to preserve secrecy respecting technical or business secrets which come to his knowledge by reasons of his position under this Act and

concerning any other circumstances with which he is generally acquainted. In addition, no person may use such information for commercial purposes.

Section 55 - Provisions to supplement the Act

The Crown may issue provisions to supplement this Act.

Section 56 - Penal provisions

- (1) Any person who -
- (a) wilfully or through negligence violates any provision of chapter II, III or V of this Act or any provision made by virtue of any of these chapters, or
 - (b) in contravention of the provisions of this Act, fails to take out insurance or to maintain it or to comply with orders respecting other security under section 37

shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both such penalties.

(2) Any person who is guilty of complicity in such offences shall be liable to the same penalties.

Section 57 - Confiscation

Nuclear fuel and radioactive products with which any person has been concerned in violation of the provisions of chapter II, III or V of this Act or in violation of regulations issued under any of the said chapters may, by virtue of a judgment, be confiscated from the guilty party or from the person on whose behalf the guilty party has acted, without the need for penal proceedings or the right to penal proceedings against any person.

Section 58 - Coming into force

This Act shall come into force on the date appointed by the Crown.

This Act shall also apply to Svalbard, Jan Mayen and the Norwegian non-metropolitan territories, save as otherwise provided by the Crown. The Crown may prescribe such variations as the local conditions may require.

The operator of a nuclear installation which is under construction or in operation at the coming into force of this Act shall, within three months of that date, make application for a licence and authorisation under chapter II. The Ministry may give temporary permission until such time as the application has been determined.

Section 59 - Amendments to other Acts

(1) Upon the coming into force of this Act the following provisions of the Act of 27th February 1930 (No.3), respecting Bouvet Island, Peter I Island and Queen Maud Land, etc., shall be amended to read:

"4. Without the consent of the Crown it shall be prohibited to carry out a nuclear explosion or to dispose of radioactive waste in the area referred to in section 1. The prohibition shall also apply to complicity in such offences."

"8. Any person who wilfully or through negligence violates sections 4 and 5 of this Act or provisions issued under the said sections or under section 7 shall be liable to a fine or to imprisonment for a period not exceeding one year or to both such penalties.

(2) On the same date the following provisions of the Act of 12th December 1958 (No.10), respecting industrial injury insurance, shall be amended as follows:

The following new second sentence shall be inserted in subsection (3) of section 42:

"The provisions of the first and second sentences respecting the limitation of liability shall not apply to liability under the Act on the Uses of Atomic Energy, with the exception, however, of liability for recourse against the National Insurance Institution and the insurance fund concerned."

(According to the statutory proposal contained in Odelstingsproposisjoner (Odelsting Bills), No.48 for 1965-66 in relation to the Act respecting the payment of compensation in certain circumstances, the foregoing provision should be incorporated in subsection (4) of section 42 of the Act respecting industrial injury insurance, as follows:

"(4) In the case of accidents qualifying for compensation under the Act on compensation for damage caused by motor vehicles (the Motor Vehicle Liability Act) or under the Act on the Uses of Atomic Energy

the provisions of item (c) of the second sentence (in conjunction with the first sentence) shall not entail any restriction of the injured party's right to claim full compensation of the insurance sum under the Motor Vehicle Liability Act or the limited amount of liability under the Atomic Energy Act, as the case may be, in respect of that proportion of the damage which is not covered by the payments he receives from the National Insurance Institution under this Act."

Section 42(5), second paragraph:

"The compensation which the injured party or his survivors may claim from other persons under the foregoing provisions of this section shall be determined in accordance with the general provisions of the law; provided, however, that if the injury has been caused by a motor vehicle used in an insurable activity or by a nuclear incident which has occurred in connection with an insurable activity, the claim for compensation shall lapse as regards an amount corresponding to the expenditure and liability under this Act of the National Insurance Institution and the insurance fund concerned. Otherwise the claims of the persons entitled to compensation shall pass to the National Insurance Institution

(3) On the same date, item (d) of the first paragraph of section 2 of the Act of 3rd February 1961 on compensation for damage caused by motor vehicles (the Motor Vehicle Liability Act), shall be amended to read:

"(d) is nuclear damage within the meaning of Chapter IV (compensation and insurance) of the Act on the Uses of Atomic Energy"

(4) On the same date, the following new fourth paragraph shall be inserted in section 33 of the Act of 20th June 1964 (No.5), on drugs and poisons, etc.:

"This section shall not apply to a person holding a corresponding permit under the Act on the Uses of Atomic Energy"