STATUTORY INSTRUMENTS

2017 No. 922

NUCLEAR ENERGY

The Nuclear Installations (Insurance Certificate) Regulations 2017

Made - - - -	*11th September 2017*
Laid before Parliament	*15th September 2017*
Coming into force in accordance with regulation 1(2)	

The Secretary of State, in exercise of the powers conferred by sections 21(3)(**1**) and 26(1)(**2**) of the Nuclear Installations Act 1965(**3**), makes the following Regulations.

In accordance with section 21(4B) of that Act the Secretary of State(**4**) has consulted the Scottish Ministers on these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Nuclear Installations (Insurance Certificate) Regulations 2017.

(2) These Regulations come into force on the main commencement day.

(3) In this regulation—

"the main commencement day" means the day on which the Protocols come into force in respect of the United Kingdom(**5**);

"the Protocols" means—

(**1**) Section 21(3) is prospectively amended by S.I. 2016/562. The amendments come into force on the main commencement day but were commenced on 25th May 2016 for the purpose of exercising the power to make regulations under the section (see article 1(5) of S.I. 2016/562). Section 21(3) has previously been amended by the Criminal Justice Act 1982 (c. 48), section 46 in respect of England and Wales, and by the Criminal Procedure (Scotland) Act 1975 (c. 21), section 289G (as inserted by section 54 of the Criminal Justice Act 1982) in respect of Scotland.

(**2**) See the definition of "prescribed". There are amendments to section 26 not relevant to these Regulations.

(**3**) 1965 c. 57.

(**4**) Section 21(4B) is inserted by S.I. 2016/562.

(**5**) The Secretary of State must publish a notice of the date of the main commencement day pursuant to article 1(3) of the Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562). It will be possible to find out the date on which the Protocols come into force in respect of the United Kingdom by referring to the relevant page on UK Treaties Online (http://treaties.fco.gov.uk/treaties/treaty.htm).

(a) the Protocol of 12th February 2004 to amend the Convention on Third Party Liability in the Field of Nuclear Energy of 29thJuly 1960, as amended by the Additional Protocol of 28th January 1964 and by the Protocol of 16th November 1982(**6**), and

(b) the Protocol of 12th February 2004 to amend the Convention of 31st January 1963 Supplementary to the Paris Convention of 29th July 1960 on Third Party Liability in the Field of Nuclear Energy, as amended by the Additional Protocol of 28th January 1964 and by the Protocol of 16th November 1982(**7**).

Prescribed particulars

2.—(1) The document required by section 21(3) of the Nuclear Installations Act 1965 to be issued by or on behalf of the guarantor must contain the following particulars—

(a) the name and address of the responsible party;

(b) a description of the nuclear matter to be carried;

(c) the place of departure and the intended destination of the nuclear matter to be carried, in respect of which the responsible party may incur liability by virtue of section 7, 7B, 8, 9 or 10 of that Act or any relevant foreign law made for purposes corresponding to those of section 10;

(d) the amount of the funds available for the satisfaction of claims by virtue of that liability and the period of carriage covered by such funds;

(e) the type of security;

(f) a statement by or on behalf of the appropriate person that the responsible party is an operator of a relevant site.

(2) In this regulation "appropriate person" means—

(a) where the responsible party is a licensee or an operator of a relevant disposal site, the Secretary of State;

(b) where the responsible party is the Authority, the Secretary of State;

(c) where the responsible party is a government department, the Minister in charge of that department or, where the department concerned is part of the Scottish Government, the Scottish Ministers;

(d) where the responsible party is a relevant foreign operator, the government or other competent public authority of that operator's relevant territory.

Review

3.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(**6**) The Protocol of 12th February 2004 has been published in the Miscellaneous Series No. 6 (2015), Cm. 9135; the Convention of 29th July 1960, as amended by the Additional Protocol of 28th January 1964, was published in the Treaty Series No. 69 (1968), Cmnd. 3755; the Protocol of 16th November 1982 was published in the Treaty Series No. 6 (1989), Cm. 659. The Protocols and Conventions are also available via UK Treaties Online (http://treaties.fco.gov.uk/treaties/treaty.htm). A hard copy may be obtained, on request, from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(**7**) The Protocol of 12th February 2004 has been published in the Miscellaneous Series No. 7 (2015), Cm. 9136; the Convention of 31st January 1963 Supplementary to the Paris Convention, as amended by the Additional Protocol of 28th January 1964, was published in the Treaty Series No. 44 (1975), Cmnd. 5948; the Protocol of 16th November 1982 was published in the Treaty Series No. 17 (1992), Cm. 1832. The Protocols and Conventions are also available via UK Treaties Online (http://treaties.fco.gov.uk/treaties/treaty.htm). A hard copy may be obtained, on request, from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.