
STATUTORY INSTRUMENTS

1985 No. 1640

**ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES**

The Nuclear Installations (Guernsey) (Variation) Order 1985

Made - - - - 30th October 1985
Coming into Operation 21st November 1985

At the Court of Saint James, the 30th day of October 1985

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of September 1985, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, and in pursuance of section 28 of the Nuclear Installations Act 1965, as extended by Section 4(6) of the Congenital Disabilities (Civil Liability) Act 1976 and section 33 of the Energy Act 1983, by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Nuclear Installations (Guernsey) (Variation) Order 1985 and shall come into operation on 21st November 1985.

2.—(1) The Nuclear Installations (Guernsey) Order 1978 shall be varied in accordance with the provisions of the Schedule to this Order.

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

G.I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

VARIATIONS TO THE NUCLEAR INSTALLATIONS (GUERNSEY) ORDER 1978

1. In Article 2(2), after the words “Atomic Energy Authority Act 1971” there shall be inserted the words “, the Energy Act 1983”.

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

“4. Section 3 of the Congenital Disabilities (Civil Liability) Act 1976 shall extend to Guernsey with the following exceptions, adaptations and modifications, that is to say—

- (a) any reference to an enactment shall be construed as a reference to that enactment as it has effect in Guernsey;
- (b) subsection (1) shall be omitted;
- (c) in subsection (2), for the words “that Act” there shall be substituted the words “the Nuclear Installations Act 1965”;
- (d) in subsection (3)—
 - (i) for the words “any of sections 7 to 11” there shall be substituted the words “section 10 or 11”, and
 - (ii) for the words “nuclear site licensees” there shall be substituted the words “relevant operators”; and
- (e) after subsection (5) there shall be inserted the following subsection:—
 - “(6) In this section:—
 - (a) references to a child being born disabled or with disabilities are to its being born with any deformity, disease or abnormality, including predisposition (whether or not susceptible of immediate prognosis) to physical or mental defect in the future; and
 - (b) “born” means born alive (the moment of a child's birth being when it first has a life separate from its mother), and “birth” has a corresponding meaning.”.”.”.

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

(2) After paragraph 18 there shall be inserted the following paragraph:—

“18A. In section 17(5A), for the words “the United Kingdom” there shall be substituted the word “Guernsey”.”

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

(4) After paragraph 20 there shall be inserted the following paragraph:—

“20A. In section 21(1A), for the words “The Secretary of State may with the approval of the Treasury” there shall be substituted the words “The Lieutenant-Governor may with the approval of the Secretary of State”.”

(5) In paragraph 23, after the words “21(4)” there shall be inserted the words “and (4A)”.

(6) After paragraph 39 there shall be inserted the following paragraphs:—

“39A. Section 25A shall be omitted.

39B. In section 25B—

- (a) for the words “the Treasury” wherever they occur there shall be substituted the words “Her Majesty's Treasury”; and
- (b) in subsection (3), the words from “and any fee” to the end shall be omitted.”

EXPLANATORY NOTE

The Nuclear Installations (Guernsey) Order 1978 extends certain provisions of the Nuclear Installations Act 1965 to the Bailiwick of Guernsey, with exceptions, adaptations and modifications. The present Order varies that Order so as to extend to the Bailiwick of Guernsey (i) amendments to those provisions effected by the Energy Act 1983 and (ii) section 3 of the Congenital Disabilities (Civil Liability) Act 1976 (disabled birth due to radiation), with exceptions, adaptations and modifications.