



Law of Civil Liability for Nuclear Damage







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Definition

Article I

The following terms and phrases-used herein-shall have the meanings assigned thereto unless the context requires otherwise:

Kingdom:

The Kingdom of Saudi Arabia.

Government:

The Government of the Kingdom of Saudi Arabia.

Law:

Law of Civil Liability for Nuclear Damage.

Regulations:

The Implementing Regulations of the Law.

Commission:

The Nuclear and Radiological Regulatory Commission.

Convention:

The 1963 Vienna Convention on Civil Liability for Nuclear Damage, and as amended by the 1997 Protocol.

Liability:

Civil Liability for Nuclear Damage.



Person:

Any natural or corporate person.

Operator:

A person licensed by the Authority to operate a nuclear installation.

Transporter:

A person licensed by the Authority to transport nuclear materials.

Preventive Measures:

Any measures taken by any person upon the occurrence of a nuclear incident, subject to the law of the State where the measures were taken, to prevent or minimize the nuclear damage resulting therefrom.

Measures of Reinstatement:

Any measures which have been approved by the competent authorities of the State where the measures were taken to reinstate or restore the damaged or destroyed components of the environment owing to a nuclear incident.

Special Drawing Rights (SDR):

The unit of account defined by the International Monetary Fund (IMF) and used by it for its own operations and transactions.

Nuclear Fuel:

Any material capable of producing energy by a self-sustaining chain process of nuclear fission.

Radioactive Products or Waste:

Any radioactive material produced during the production or utilization of nuclear fuel or any material made radioactive by incidental exposure to radiation during the production or utilization of nuclear fuel, but does not include radioisotopes which have reached the final stage of fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose.

Nuclear Material:

Nuclear fuel, other than natural uranium or depleted uranium, capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material, and including radioactive products or waste.

Nuclear Reactor:

Any structure containing nuclear fuel in such an arrangement that a self-sustaining chain process of nuclear fission can occur therein without an additional source of neutrons.



Nuclear Installation:

Any nuclear reactor other than one with which a means of sea or air transport is equipped for use as a source of power, whether for propulsion thereof or for any other purpose; any factory using nuclear fuel for the production of nuclear material, or any factory for the processing of nuclear material, including any factory for the reprocessing of irradiated nuclear fuel; and any facility where nuclear material is stored, other than storage incidental to the carriage of such material, including other facilities which contain nuclear fuel or radioactive products or waste, as determined by the Authority.

Nuclear Incident:

Any occurrence or series of occurrences having the same origin which causes nuclear damage or creates a grave and imminent threat of causing such damage.

General Provisions

Article II

This Law aims to stipulate provisions governing compensation for nuclear damage resulting from a nuclear incident occurring within the territory of the Kingdom as well as incident occurring outside the territory of the Kingdom during carriage for which the operator is liable, in accordance with the relevant international conventions to which the Kingdom is party.

Article III

For purposes of implementing this Law, the nuclear damage that results in civil liability shall include the following:

1. Death or injury.
2. Loss of, or damage to, property.

Such damage shall, as determined by the competent court, include the following:

1. Economic loss arising from the loss or damage.
2. The costs of reinstatement of impaired environment, unless such impairment is insignificant, and if such reinstatement has actually been taken or is to be taken.
3. Loss of income derived from an economic interest in any use or enjoyment of the environment due



to significant damage thereto.

4. The costs of preventive measures, and any loss or damage caused thereby.
5. Any other economic loss other than losses caused by impairment of the environment.

Provided that the damage referred to above (with the exception of paragraph 4), has resulted from the ionizing radiation emitted from inside a nuclear installation, whether by any source of radiation, nuclear fuel, radioactive products or waste, or any nuclear material coming from or sent by a nuclear installation, and provided that such damage has resulted from the radioactive properties of such materials, or from a combination thereof, or from the toxic, explosive or other hazardous properties of such materials.

Article IV

The provisions of this Law shall apply to nuclear damage resulting from a nuclear incident occurring within the territory of the Kingdom and incident taking place outside such territory incidental to carriage for which the operator is liable.

The Commission may exclude from the application of this Law any nuclear installation or designated quantity of nuclear material if the extent of potential risk is insignificant, in accordance with the Regulations and in a manner not conflicting with the provisions of the Convention.

Article V

The provisions of this Law shall not apply to nuclear damage occurring within territories or maritime zones of a State not party to the Convention if, at the time of the nuclear incident, such State has a nuclear installation in its territories or in any maritime zone under its control, and if the laws of that State do not extend reciprocity to the Kingdom relating to compensation for the damage resulting from incidents occurring within its territories.

Article VI

The operator shall be exclusively liable for nuclear damage upon establishing that such damage is caused by a nuclear incident that occurs in a nuclear installation under his charge, unless the incident is directly due to an act of armed conflict, hostilities, civil war or insurrection.

Article VII

If nuclear damage is caused by a nuclear material which was stolen, lost, jettisoned or abandoned, the last operator who was granted a license to acquire or use such material shall be liable for such damage.



Article VIII

If nuclear damage caused by a single nuclear incident involves multiple operators, and it is not possible to determine the operator(s) responsible for such incident or determine the percentage of liability for each operator, they shall be jointly and severally liable for such damage provided that the liability of each does not exceed the maximum amount set in Articles XXI and XXII of this Law.

Article IX

If a nuclear incident occurs in the course of carriage of nuclear material, whether in the same means of transport or during storage incidental to carriage at the same nuclear installation, where more than one operator is liable for such damage, the total liability shall not exceed the maximum amount that applies to any of such operators as stipulated in Articles XXI and XXII of this Law.

Article X

The amount incurred by the government pursuant to any obligation thereby to compensate for nuclear damage towards the liability of more than one operator shall be limited to the difference between the amounts of liability established in Article VIII of this Law and the amount of liability provided for in

Article XXI of this Law, on the basis that each nuclear incident is considered separately, irrespective of the number of liable operators.

Article XI

Subject to the provisions of Article X of this Law, if several nuclear installations of a single operator are involved in one nuclear incident, such operator shall be liable for compensation within the amounts set in Articles XXI and XXII of this Law for each installation. The government shall, when deemed liable pursuant to an obligation thereby, incur the difference between the total liability of the operator and the extent of liability set in Article XXI of this Law, regardless of the number of installations.

Article XII

The Commission may decide to treat several nuclear installations of a single operator which are located at the same site as a single nuclear installation.

Article XIII

The sending operator shall, upon carrying or sending nuclear material, be liable for nuclear damage until the receiving operator undertakes responsibility for the material carried thereto, unless both operators (the sender and receiver) agree in writing on their



liability during carriage or agree with the carrier to transfer liability thereto pursuant to Article XVII of this Law; in such case, the carrier shall be deemed the liable operator in accordance with this Law.

Article XIV

If nuclear material is sent to a person within the territory of a state not party to the Convention, the sending operator shall be liable for any nuclear damage until such material is unloaded from the means of transport.

Article XV

The operator shall provide the carrier with a warranty certificate, in accordance with the terms prescribed in the Regulations, issued by the operator or an insurance company, or by any other entity providing him with the required financial guarantee pursuant to Article XXIII of this Law, except for nuclear material carried entirely within the territory of the Kingdom.

Article XVI

If nuclear material is sent by a person in a state not party to the Convention, the receiving operator shall not be deemed liable for any nuclear damage except after such material is loaded on the means of transport carrying it to the territory of the Kingdom.

Article XVII

A carrier of nuclear material or its radioactive waste may, subject to the consent of the relevant operator, request the Commission to designate or consider him as operator in place of the actual operator, upon satisfaction of the requirements of the financial guarantee prescribed in Article XXIII of this Law. In such case, the carrier shall be considered as an operator of a nuclear installation.

Article XVIII

The operator shall not be liable for nuclear damage sustained by any of the following:

1. The nuclear installation itself or any nuclear installation located on the same site, including nuclear installations under construction.
2. Other properties located on the site of the nuclear installation, used or to be used in connection therewith.

Article XIX

The operator may be exempted from liability for nuclear damage or part thereof upon proof that such damage is the result of gross negligence on the part of the person sustaining the damage or of an act or omission of such person with the intent to cause damage.



Article XX

Provisions of Articles VI and XVIII of this Law shall not relieve any person causing nuclear damage from liability due to an act or omission with the intent to cause damage.

Article XXI

The limit of the operator's liability shall be equivalent to 300,000,000 (three hundred million) SDRs for each nuclear installation for the nuclear damage resulting from any single nuclear incident.

Article XXII

The Commission may set a lower amount of liability of a single operator for nuclear damage resulting from any one nuclear incident, provided that such amount is not less than 5,000,000 (five million) SDRs, and that the Government incurs the difference between such amount and the amount of liability prescribed in Article XXI of this Law. The Regulations shall specify relevant terms and conditions.

Article XXIII

An operator shall, upon applying for a license for operating a nuclear installation, provide a financial guarantee (whether in the form of insurance or any

other guarantee) covering his liability for nuclear damage, in accordance with the Regulations.

Article XXIV

A claim for compensation for nuclear damage, with respect to loss of life or personal injury, shall not be heard if an action is not brought within thirty years from the date of the nuclear incident, or, with respect to other nuclear damage, within ten years from the date thereof. In any case, a claim for compensation shall be made within a period not exceeding three years from the date of knowledge of the damage and the operator liable therefor.

Article XXV

Without prejudice to any other law, a claim for compensation filed pursuant to Article XXIV of this Law may be amended to include any aggravation of damage, even after the expiry of the claim period, provided that no final judgement has been rendered.

Article XXVI

A claim for compensation shall be filed against the operator, insurer or any other person providing the financial guarantee referred to in Article XXIII of this Law.



Article XXVII

This Law shall not prejudice the right of any person sustaining non-nuclear damage to obtain compensation with respect to such damage, subject to the laws of the Kingdom.

Article XXVIII¹

The general court in Riyadh shall decide compensation claims in accordance with the provisions of this Law.

Article XXIX

The Commission shall issue the Regulations within 180 days from the date of publication of this Law in the Official Gazette.

Article XXX

Provisions of the Convention shall apply to cases not provided for in this Law; in case of conflict, the provisions of the Convention shall prevail.

Article XXXI

This Law shall enter into force after 180 days from the date of its publication in the Official Gazette and shall repeal any conflicting provisions.

1- Amended by Royal Decree No. M / 117 dated 16/10/1440H



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