

Content

Title :	Nuclear Damage Compensation Act Ch
Date :	1997.05.14
Legislative :	1.Promulgated and effective on July 26,1971 2.Amendment of Article 27 promulgated and effective on May 6, 1977 3.Amendments of the Act promulgated on May 14,1997 and to be effective on May 14, 1998 by Presidential Decree No. Hua-Tsong-Yi-Yi-Tsu 8600112810
Content :	<p>Chapter I - General Provisions</p> <p>Article 1 This Act is enacted according to Article 29 of the Atomic Energy Act. This Act shall apply to the compensation for nuclear damage resulting from the peaceful uses of atomic energy. Where this Act does not provide, the provisions of other laws shall apply.</p> <p>Article 2 The term “nuclear fuel” as used in this Act means material which is capable of producing energy by a self-sustaining chain process of nuclear fission.</p> <p>Article 3 The term “radioactive products or waste” as used in this Act means radioactive material produced, or material made radioactive by exposure to the radiation, in the production or utilization of nuclear fuel; however, it does not include radioisotopes and the wastes thereof generated in the final process of fabrication and manufactured for scientific, medical science, agricultural, commercial or industrial use.</p> <p>Article 4 The term “nuclear reactor” as used in this Act means the apparatus loaded with properly arranged nuclear fuel which may cause the controllable self-sustaining chain reaction of nuclear fission.</p> <p>Article 5 The term “nuclear material” as used in this Act means 1. Nuclear fuel other than natural uranium and 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; 2. Radioactive products or waste.</p> <p>Article 6 The term “nuclear installation” as used in this Act means 1. Nuclear reactor, but not including any nuclear reactor used in air and sea transportation conveyances for producing power for propulsion or other purposes;</p>

2. Any installation producing nuclear material, including installation for re-process of spent nuclear fuel; and
3. Any installation exclusively for the treatment, storage or disposal of nuclear material.
Several nuclear installations belonging to one operator and located at the same site shall be considered as a single nuclear installation.

Article 7

The term "operator" as used in this Act, in relation to a nuclear installation, means anyone designated or approved by the government as responsible for the operation of that installation.

Article 8

The term "nuclear damage" as used in this Act means loss of life, personal injury or loss of property which arises out of or results from the radioactive or radiation compounded toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear material coming from or sent to, a nuclear installation.

Article 9

The term "nuclear accident" as used in this Act means any single occurrence or series of occurrences happened simultaneously or successively having the same origin which causes nuclear damage.

Article 10

Other laws shall be applied where the quantity of the nuclear fuel, radioactive product or waste is within a certain limit; the limit of the quantity shall be announced by the Atomic Energy Council of the Executive Yuan.

Chapter II - Liabilities for Damage Compensation

Article 11

When a nuclear accident occurs, the operator thereof shall be liable for the nuclear damages resulting therefrom.

Article 12

In case a nuclear accident is caused by nuclear material of a nuclear installation, the original operator shall be liable for damage compensation resulting therefrom under any one of the following conditions:
1. The liability for compensation has not been assumed by another nuclear installation operator under written agreement.
2. In the absence of such written agreement, before another nuclear installation operator has taken over or possessed the nuclear material.
3. Where the nuclear material is intended to be used in a nuclear reactor with which a transportation conveyance is equipped for use of producing power for propulsion or for other purposes, before the person duly authorized to operate such reactor has taken charge of the nuclear material.

Article 13

Where a nuclear accident happened on the way the nuclear material is transported outbound this country, the nuclear installation operator transporting the said material shall be liable for compensation of the nuclear damage occurred within the territory of the Republic of China. Where a nuclear accident happened on the way the nuclear material is transported inbound this country, the nuclear installation operator receiving the said material shall be liable for compensation of the nuclear damage occurred within the territory of the Republic of China.

Article 14

The nuclear installation operator providing temporary storage of nuclear material shall not be liable for the nuclear damage involving the said nuclear material in temporary storage incidental to transport in case that another nuclear installation operator shall be liable for the nuclear damage according to the preceding two Articles.

Article 15

In case several operators are liable for the nuclear damage according to this Act, these operators shall be jointly and severally liable for the compensation thereof.

Article 16

In case the nuclear accident occurs during the transportation of nuclear material in one and the same transportation conveyance, or the nuclear material is temporarily stored in one and the same nuclear installation during transportation, the several operators shall be liable for compensation of the nuclear damage resulting therefrom.

Article 17

Where several nuclear installation of one and the same operator are involved in one nuclear accident, such operator shall be liable for compensation in respect of each nuclear installation involved.

Article 18

The operator of a nuclear installation shall, in accordance with this Act, be liable for nuclear damages arising from the occurrence or expansion of a nuclear accident regardless of whether it is caused intentionally or through negligence, except when the nuclear accident is caused directly by international armed conflicts, hostilities, domestic rebellion, or grave natural calamity.

Article 19

In case the nuclear installation operator can prove that the occurrence or expansion of the nuclear damage was caused by the victim's intentional act or negligence, the court may reduce or dispense with the compensation.

Article 20

All damages caused by a nuclear accident alone or in combination with other incidents in which the other damages can not be completely distinguished from the nuclear damage are to be deemed as nuclear damage caused by the nuclear accident.

Article 21

Other laws shall be applied where the nuclear installation operator is liable for

compensation of nuclear damages to the following subparagraphs:

1. The nuclear installation itself or any property on the site of that installation

which is used or to be used in connection with that installation.

2. Transportation conveyance used for transporting nuclear material which caused a nuclear accident.

Article 22

The nuclear installation operator who follows the stipulated compensation of this

Act has the right of recourse against any person other than another nuclear

installation operator only under one of the following conditions:

1. Having specific stipulations in written agreement;

2. The nuclear damage is caused by intentional acts of individuals, and the recourse can be asserted against the individuals with that intent.

Article 23

Any person other than the nuclear installation operator shall not be liable for

nuclear damages except as provided in the preceding Article.

Chapter III Maximum Amount and Guarantee for Liabilities

Article 24

The liability of a nuclear installation operator for nuclear damages arising

out of each single nuclear accident shall be limited to

Four Billion Two Hundred Million New Taiwan Dollars. The preceding maximum amount does not include interest and costs of litigation.

Article 25

A nuclear installation operator shall maintain liability insurance or financial

guarantee sufficient to cover the maximum amount of nuclear damage compensation

liability and may operate the nuclear installation or transport nuclear material only upon the approval from the Atomic Energy Council of the Executive Yuan.

The preceding stipulation is not applicable to the nuclear installations of

the Central Government, provincial or municipal government and their research

organizations. In respect of operation of a nuclear installation or transportation

of nuclear material, applications may be submitted to the Atomic Energy Council

of the Executive Yuan for reduction of the amount of liability insurance or

financial guarantee within a certain limit; the said limit shall be stipulated

by the Atomic Energy Council of the Executive Yuan.

Article 26

The insurer of liability insurance or the guarantor of the financial

guarantee prescribed in the preceding Article shall not cease or terminate the said liability insurance or financial guarantee during the term of the insurance or guarantee unless the Atomic Energy Council of the Executive Yuan is notified in writing two months in advance and has given approval therefor. Liability insurance or financial guarantee for transportation of nuclear material shall not be ceased or terminated during the course of transportation.

Article 27

Should the amount received from the liability insurance or financial guarantee not suffice to cover the finalized nuclear damage compensation liability, the nation shall loan the balance to the nuclear installation operator to cover its complete liability; but only to the maximum amount prescribed in Article 24. The nuclear installation operator shall indemnify the nation for the loan under the preceding paragraph.

Chapter IV - Right to Claim for Damage Compensation

Article 28

Claims of compensation for nuclear damage shall be extinguished if an action is not brought within three (3) years after knowledge of the damage and of the nuclear installation operator liable for the damage; however the period shall in no case exceed ten (10) years from the date of the nuclear accident.

Article 29

Where the nuclear material causing a nuclear accident is stolen, lost, jettisoned or abandoned, the statute of limitations of the right to claim compensation shall be governed by the preceding Article. However, when making a claim for compensation against the original nuclear installation operator of the said nuclear material, the claim shall be made within twenty (20) years from the time the nuclear material is stolen, lost, jettisoned or abandoned.

Article 30

Any person who claims to have suffered nuclear damage and who has brought an action for compensation within the period applicable pursuant to the two preceding Articles may amend his/her claims to take into account any aggravation of the damage even if the statute of limitations has expired, provided that it is made before the closing of the oral argument in the first appeal.

Article 31

Any person suffering nuclear damage may claim directly for compensation against the liability insurer or financial guarantor of the operator if the operator is not able to compensate the nuclear damage.

Chapter V - Supplemental Provisions

Article 32

After the occurrence of a nuclear accident, the Atomic Energy Council of the Executive Yuan may establish a committee on Nuclear Accident Investigation

and Evaluation to perform the duties and exercise the rights as follows:

1. Determination of a nuclear accident and investigation of the causes thereof.
2. Investigation and evaluation of the nuclear damage.
3. Recommendation on compensation, relief and rehabilitation measures for the nuclear accident.
4. Recommendation on improvements of safety protections of nuclear installation.

Reports of the aforementioned investigation, evaluation, and recommendation shall

be prepared for announcement by public notice. The rules governing the establishment

of the Committee on Nuclear Accident Investigation and Evaluation shall be stipulated

by the Atomic Energy Council of the Executive Yuan.

Article 33

Where the amount of nuclear damage exceeds or may exceed the limit of the nuclear

installation operator's liability, the priority of compensation shall be given to

loss of life and personal injury, and ten percent(10%) of the total amount for

compensation shall be reserved for later discovered nuclear damage.

Where the victims of a nuclear accident seek compensation by way of a judicial

proceeding, the court may, in accordance with the degrees of damages and the number

of victims, take into account the investigation reports and compensation recommendations

prepared by the committee on Nuclear Accident Investigation and Evaluation to

make appropriate distributions.

Article 34

After the occurrence of a serious nuclear accident, the nation shall take necessary

relief and rehabilitation measures.

Article 35

Where the victim is a foreign national, this Act shall be applied on a reciprocal basis.

Article 36

Enforcement rules of this Act shall be stipulated by the Atomic Energy Council of the Executive Yuan.

Article 37

This Act shall be put into force from the date of promulgation.

The amended Articles of this Act shall be put into force one year after promulgation.