

**Submission to the President of European Parliament**  
**Mr Hans- Gert Poettering, European Parliament,**  
**Brussels 306757**

On behalf of

**MR FOX**

**ADDENDDUM**  
**DATED 22<sup>nd</sup> June 2007**

**SUBMISSION BY**  
**Complaint No. 2001/4466/UK**

**ADDENDUM**  
**DATED 6<sup>th</sup> June 2007**

**First page for EU Commission: Complaint No. 2001/4466**

1. Mr Fox resides at 15 Field Road, Reading, Berks RG1 6AP, UK, submits this Addendum EU subject to this further submission from the decision of the Commissioners dated 4<sup>th</sup> August 2004 and the decision of 15<sup>th</sup> December 2005. See Appendix.1. page 1.
2. The Submission is registered in the general register as Complaint No. 2001/4466/UK dated 2001 to the European Parliament and referred by Dr Carolyn Lucas to the Chairman of the Committee to the European Commissioners in which it was decided to conduct a preliminary investigation.
3. Mr Fox as a 'person aggrieved' of an injustice done to him by the UK and under Article 17 of this Treaty is an individual holding nationality of the UK a Member State and a citizen of the European Union and by a 'legitimate expectation' as an UK/EU citizen was to enjoy the rights and protections as conferred by this Treaty and be subject to the duties imposed thereby.
4. Mr Fox requested the consent of the Attorney General as a 'person aggrieved' pursuant to s.3(1)(a) of the Nuclear Material Offences Act 1983 (NMOA1983) of an act knowingly committed in the full knowledge that it would cause unnecessary injury to persons and the environment and for permission to instigate proceedings. An E-mail was received as acknowledgment but no permission given to proceed.
5. This act on the part of Shell/BP UK Oil Company at Earley Rise, Wokingham Road, Earley Reading Berkshire UK , was deliberate, mischievous and wilfully. By their actions causing injury by reckless conduct in releasing 'illegal nuclear and chemical waste' causing 'ionising radiations', placing Mr Fox and his family and others in danger and causing undue distress and anxiety and damage to the Fox property adjacent to the Shell/BP Nuclear Depot under s.1 of NMOA1983.
6. Unknown to Mr Fox the levels of radioactive material satisfies the criteria as set out under s. 6 NMOA1983. NUCLEAR OFFENCES – s. 6 of NMOA1983 implements the Convention Article 1 on the Physical Protection of Nuclear Material 1980 (Cmnd. 8112) and thereby requires an immediate remedy pursuant to the Nuclear Installations Act 1965/1969 and by the Paris and Vienna conventions within the jurisdiction under the Brussels convention.
7. The matters raised in the Complaint outlined the injuries sustained to Mr Fox and his family (including 2 minors) and damage to their property. The interests of the family and there business were seriously affected as affirmed by the decision of the Commissioners to an infringement under Article 53 of the Basic Safety Standards Directive 96/29/Euratom in the failure of the UK to enforce the protection to be

afforded to all EU citizens from "ionising radiations". The evidence submitted affirms a continual infringement of the Treaty by the UK Government and its Court of last instance to fulfill an obligation regarding the right of an individual by "certiorari in aid of habeas corpus" and to a referral under Article 234 (ex 177) "of the environment" to the Court of Justice being in conflict with community law. Mr Fox requires a decision of the EU Parliament under Articles 226 (ex 169) and 227 (ex 170) to a remedy Articles 100 and 235 upon the forgoing:

- (a) Upon the above, Case No. 26/62, Van Gend and Loos. [1963] E.C.R. 1. regarding the interpretation of the Treaty upon a legal obligation imposed upon Member States and upon the Institutions of the community to act under international law. Many provisions of the Treaty, and of Community legislation, now have direct effect, according to criteria developed in the case law; and thereby confer rights and impose obligations, which are directly enforceable in the national courts. These are rights, which "national courts must protect".
1. Upon the failure of the UK courts and the statutory bodies to implement the requirement to protect the consumer/public against environmental contamination Mr Fox requires the Community subject to Article 5 (ex Article 3b) to act within its powers conferred on it by this Treaty and its objectives assigned to it therein, and Subject to Article 6 (ex Article 3c) Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3.
2. Mr Fox referred a Complaint to Dr **Caroline** Lucas MEP the UK representative member for the South-East of England, for submission of relevant papers to the Commissioners in the exercise of her powers conferred by Article 189 & 190 of the Treaty. This Addendum is to present to the President to EU Parliament for the UK indefinable necessary action not afforded to Mr Fox and his family for the injuries sustained and damage to their property and for the protection against 'ionising radiations' required for consumers/EU citizens that has not been their paramount consideration under the Treaty.
3. The responsibility of member states subject to the Treaty:  
Article 3 - for the purposes set out in Article 2, the activities of the community shall include:  
(l) a policy in the sphere of the environment.  
(p) a contribution to the attainment of a high level of health protection.
4. The European Court of Justice has jurisdiction in disputes relating to compensation based on the Community's non-contractual liability Article 178 of the Treaty. Under Article 215(2) of the Treaty, the Community must, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

#### NUCLEAR LEGISLATION IN OECD COUNTRIES – Regulatory and Institutional Framework for Nuclear Activities

5. The basic legislation on nuclear third party liability in the UK is contained in the Nuclear Installations Act 1965 (NIA1965), which implements provisions of the 1960 Convention on Third Party Liability in the Field of Nuclear Energy ratified by the UK on the 23 February 1966 and the Brussels Convention Supplementary to the Paris Convention, ratified on the 24 March 1966.
6. The NIA1965 [section 18] was amended by the Energy Act 1983 (EA1983). Part II of the EA1983 [section 28] to increase the total amount of funds available to meet claims for nuclear damage and the amounts agreed may be increased to SDRs £300million. The amount may be increased by order with approval of the Treasury [section 18(1B)].
7. The NIA1965 as amended [section 7] – nuclear site licenses are under an absolute duty, and are liable for breach of this duty, to ensure that no occurrences involving nuclear matter on their sites cause personal injury or damage to property and are under a similar duty as regards ionising radiation emitted on their sites.
8. The same duty lies upon the UKAEA and the Crown [Section 8 and 9]. This duty on the UKAEA applies whether or not a nuclear site licence has been granted in respect of the site [S.I. 1990, No. 1918]. Moreover, the Congenital Disabilities (Civil Liability) Act 1976 [sections 3 and 4] provides that if a child is born disabled as the result of an injury to either parent caused by a breach of such a duty, the child's disabilities are to be regarded for the purposes of the NIA1965 as injuries caused on the same occasion as those caused to the parent.
9. The NIA1965 [section 19] was also amended by the Atomic Energy Act 1989 [section 4(1)] to modify the definition of "cover period" so as to prevent the grant of a new nuclear site licence from bringing the cover period to an end where the new licence is in effect, a continuation of the old licence with amendments [section 19(2B) of the NIA1965]. This is relevant to a nuclear operator's obligation to provide insurance cover not only for the current period but also for any cover period which ended in the last ten years.
10. Subsequent to nuclear legislation introduced in the UK with the Atomic Energy Act 1946 [section 1]. Responsibility for the development and control of nuclear activities was originally entrusted to the Minister for Supply and further detailed in the Radioactive Substances Act 1948, with provision made for the appropriate minister to make regulations to prevent injury to health from ionising radiations and to secure the safe disposal of radioactive waste.
11. Major changes were implemented in those parts of government machine dealing with the environment. The Department of the Environment, under a Secretary of State for the Environment, was implemented with responsibility involving protection against the hazards of ionising radiation, radioactive substances and waste.

#### MINISTERIAL RESPONSIBILITY ON ENVIRONMENTAL ISSUES

12. Within the UK, it is conferred by legislation affecting the consumer to environmental issues by (i) the Secretary of State for the Environment, Food and Rural Affairs (DEFRA) as responsibility for the policy on European Community environmental issues by/and with its departments Health and Safety (HS) and the UK Atomic Energy Authority (UKAEA) (ii) the Foreign and Commonwealth Secretary is responsible for overall UK policy towards the European Community. The legality of the decisions of the above ministers are subject to s.2(2) of the European Communities Act 1972 (c.61) by their actions knowingly in causing injury and damage to consumers by permitting pollution of the environment in the air, to the land, sea, rivers and damage to their property.

(a) Section 2 (2) of the European Communities Act 1972 (c.61) (ECA1972)

(2) Subject to Schedule 2 to this Act, at any time after it's passing Her Majesty may by Order in Council, and any designated Minister or department may by regulations, make provision-

(a) for the purpose of implementing any Community obligation of the United Kingdom, or enabling any such obligation to be implemented, or of enabling any rights enjoyed or to be enjoyed by the United Kingdom under or by virtue of the Treaties to be exercised; or

(b) for the purpose of dealing with matters arising out of or related to any such obligation or rights or the coming into force, or the operation from time to time, of subsection (1) above;

and in the exercise of any statutory power or duty, including any power to give directions or to legislate by means of orders, rules, regulations or other subordinate instrument, the person entrusted with the power or duty may have regard to the objects of the Communities and to any such obligation or rights as aforesaid.

In this subsection "designated Minister or department" means such Minister of the Crown or government department as may from time to time be designated by Order in Council in relation to any matter or for any purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council.

#### Section 4 - of the ECA1972

- (1) The enactments mentioned in Schedule 3 to this Act (being enactments that are superseded or to be superseded by reason of Community obligations and of the provision made by this Act in relation thereto or are not compatible with Community obligations) are hereby repealed, to the extent specified in column 3 of the Schedule, with effect from the entry date or other date mentioned in the Schedule; and in the enactments mentioned in Schedule 4 to this Act there shall, subject to any transitional provision there included, be made the amendments provided for by that Schedule.

1. Mr Fox was informed by a forensic lawyer Mr Derik Willmott, and scientist/ physicist Dr David Greenwood that visited/worked in the Earley, Shell/BP depot affirmed that there is an installation of a centrifuge being (i) a Watson Graphite Moderated Reactor, (ii) a Neutron Generator, (iii) a Hot Room used for storing Uranium & Plutonium including Cesium & Cobalt 60, used for production of weapons for nuclear

triggers and for use in medicine for medical applications (iv) a Paralysing Furnace. The installation included living accommodation with catering facilities for employees and visiting scientists and testing facilities.

Upon the above, coke was delivered by rail to the Earley Shell/BP depot, the ingredient in producing graphite, it is said, for peaceful and weapons grade material and after processing transported to the Shell facility at Thornton, UK, then shipped to the USA as Health & Safety and Customs Excise records would confirm for graphite nuclear reactors.

- a) The above installation of the centrifuge had to be cooled using a continuous supply of water taken by a spur tributary from the nearby South Lake **Woodley Reading**. Subsequently the contaminated waste was discharged through the undetected surface water drain to the rear of the Fox home by an "illegal" hidden connection to the River Lodden.
  - a) The above Shell/BP facility manufactured and was a main distribution/supplier of 'Appision' special high vacuum oils utilized for mass spectrometers and electron microscopes used at the facility and at sites across the UK and the EU supplying Ministry Defence Labs., University Labs., Hospitals and Medical Labs.
1. Mr Fox required respective disclosure of documents and inspection that were in the possession, custody or power of Shell, DEFRA, HS, UKAEA, IAEA, of the above facility being liable for personal injury and distress that would include:-
    - (i) a copy of the operating licence for Shell to operate the nuclear site required under Radioactive Substances Act 1960 and the Nuclear Installations Act 1965 upon correspondence of Micheal Meacher MP & John Redwood MP and;
    - (ii) respective import/export licences of the nuclear graphite material and;
    - (iii) health & safety documents/licences for discharging "illegal contaminated nuclear waste" and for transporting and shipping the materials required under the EU Treaty in protecting workers, public persons and minors.
    - (iv) the legislative grounds for denying medical attention and recognition for social security payments to the family upon and subject to Article 3 (p).
  1. Upon the above, Mr Fox refers a requirement for intermediate injunctive relief under Directive 98/27/EC for the failure of the UK to protect his family and their interests to the President of the EU Parliament Hans-Gert Poettering to a claim in tort (delict) under Article 5(3) of the Brussels Convention. The decision of the Commissioners to the infringement for the instigation of proceedings subject to the 'seizure of the Court of Justice' by the EU Commissioners has not been forthcoming or for all relevant information regarding the Application subject to Article 255 of the Treaty.
  2. The denial of the UK Courts acting in a malicious manner in imposing unlawful restrictions to a remedy for environmental personal injury and damage to property and to the possible loss of liberty to a 'person aggrieved' was contrary to the direct effect of the UK Treaty obligations. The UKAEA subject to s.8 NIA1965 on failing to supply documents in an action for personal injury subject to s.32 Administration of Justice Act 1970 regarding the subterranean nuclear facility in Earley imposed an unlawful stay of the proceedings where the polluter should pay.

3. The Hon. Barbara Thomas (Lady Judge) is Chair of the UKAEA and upon other statutory and non statutory bodies is well placed we believe, to instigate oppressive actions against Mr Fox and others with similar injury claims where the UKAEA are obligated to instigate with and by Health and Safety Office to decommission relative nuclear sites according to the EU regulations and the UK became liable accordingly. The Hon. Lady Judge is also Chair of Private Equity Investor, Chair of the Professional Standards Advisory Board and of the Chair of the Financial Reporting Council (where she is also a member of the Nominations, Remuneration, and Audit Committees), and Deputy Chairman of Friends of the Provident. In addition the Lady Judge is a director of BT Consulting and Dynamic Solutions Group Venture Capital and a non-executive director of PA Consulting Group, Quintain Estates and Development and Quintain Services, Hardy Underwriting Group, Private Equity International, Portmeirion Group, Victory Corporation, and Planet Group. Also she is a non-executive member of the Department of Constitutional Affairs and an independent member of the Performance Monitoring Committee of the Department of Trade and Industry and is an adviser to Hill & Associates, Millennium Associates, Cross Border Enterprises, and London Capital Club.
4. The Hon. Lady Judge was on 9<sup>th</sup> May 2007 subject to a House of Commons (Westminster Hall) debate [ Mr Mike Weir in the chair ] –UK Atomic Energy Authority by the Hon. Iain Duncan Smith MP (formerly shadow conservative leader to the House of Commons). Issues raised regarding professional impropriety of the UKAEA by its officers causing personal injury to many UK EU citizens in failing to instigate investigations in determining the source of nuclear environmental disasters.
5. Upon the Complaint of Mr Fox and the decision of an infringement of the UK by the EU Council, Commissioners at that time Lord Kinnock and Lord Patten were required to determine all the respective obligations to Mr Fox his family and the damage caused to his property and others as members of the community of Earley and Woodley of Wokingham Royal Berkshire .Mr Fox requires all the respective information under Article 255 of the Treaty affecting the environment.
6. The subject of this Addendum is an ongoing violation of the Euratom Treaty and EU Directives on environmental protection legislation and as such the matter cannot be dismissed. Actions for redress in the United Kingdom shows that it is not possible to attain a remedy on representation to (i) DEFRA and its subordinate offices including Health & Safety and UKAEA by its own constabulary at that time subject to an environmental inquisitorial procedure with environmental Regulations and the Police Act 1964 to an environmental disaster at the Shell/BP subterranean nuclear facility in 1986 and the subsequent continuing environmental damage.
7. As to the second condition, in the case of infringement involving a decision by the European Commission on the notification served on the UK Government after consultation with the Dept. Trade Industry (DTI) and representatives of the EU commissioners dated 15 December 2004. Mr Fox believes the meeting was to determine the application to remedies by the UK of EC Directive 96/29 Euratom for a failure to implement the safety provisions against 'ionising radiations' having regard to the Treaty establishing the European Atomic Energy Community, and in particular

Articles 31 to 33 thereof; and the breach could not be sufficiently serious if the infringement was not manifest. Copy of notice attached Appendix. 2. page. 2 to 4.

8. Upon the above Mr Fox requires all the relevant information by access to minutes of meetings and documents including contemporaneous notes and the alike under Article 255 of the Treaty. The UK imposed restrictions by due process of the law to prejudice an effective remedy for personal injuries to Mr Fox and his family the death of his grandson and the damage to his family home 337 Wokingham Road Earley and in consequence to his business Fox Builders Ltd and opportunities as a contractor to her Majesty the Queen and her household and the Police Authorities.
9. This Addendum, by Mr Fox to the President to the European Parliament on environmental issues relates to an individual complaint, a matter which comes within the community's fields of activity which affects his wife, four children and Fox Builders Ltd directly, as well as being a matter of 'general public concern' and of 'public interest' and the denial of the effectiveness of EU environmental legislation to protect all EU citizens against 'ionising radiations' as to liability.
10. The addendum falls within the sphere of European Union activities, the principles and objectives of the European Union to ensure that the laws adopted by Member States to supervise and regulate all environmental issues be adequate and effective to the Treaty.
11. The objectives being imperative reasons to impose the mandatory rules and regulations to save life from man made substances inflicting harm and injury by UK legislation but denying medical services under the National Assistance Act 1948, the National Health Services and the Community Care Act 1990 and the amendment by the National Health Act 1996 implementing Primary Care Trusts for (i) in the interest of the general good, (ii) protection of the recipient of services, (iii) consumer protection, (iv) preservation of the good reputation of the national health service (v) prevention of fraud, and (vi) the protection of the proper administration of justice. It is imperative that Member States ensure under Article 3(p) of the Treaty a contribution to the attainment of a high level of health protection is afforded to all UK/EU citizens.
12. One of the critical aspects of the 'Aarhus' Convention to which the UK government is a signatory Article 9(3) requires signatory states to ensure that there is public access to administrative or judicial procedures to challenge acts or omissions by private persons or public authorities contravening national environmental law. The principle of *actio popularis* whereby anyone can sue the government when it acts unlawfully, regardless whether they have standing in a strict sense, is said to be consistent with Article 9. (The Coalition for access to justice for the Environmental briefings 2004), is the need to provide a fair review process, Article 9(4) provides;
  - (i) the procedures referred to in [Art. 9] shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. The decisions of courts, and whenever possible of other bodies, shall be publicly accessible.

1. Mr Fox submits this Addendum in conjunction with the Complaint P 2001/4466/UK dated 2001. The Addendum includes amendments of further material evidence that the continual Nuclear Regulatory process by the UK respective agencies to protect, monitor and control against nuclear induced illness have acted by conduct specifically intended to injure a person or persons and instrumental in causing the death of UK citizens to evade liability. The respective agencies had a duty to protect members of the public pursuant to the Ionising Radiation Regulations 1999 amending the 1990 regulations, European Directives and the Nuclear Installations Act 1965. See Addendum Appendix. Pages
2. Mr Fox refers to the News Release dated the 15/12/2004:  
"UK faces legal action for failure to implement Euratom health and safety provisions against 'ionising radiation'.  
The European Commission has decided to send a reasoned opinion to the United Kingdom for failing to apply a requirement under specific provisions of the Euratom treaty concerning intervention and remedial action for the after effects of past radioactive contamination.  
A citizen's complaint drew the attention of the commission to the compliance of UK legislation with Article 53 of the Euratom Basic Safety Standards Directive 96/29/Euratom which provides for action by the Member States in situations of lasting exposure to ionising radiation. According to the Directive, such situations require "intervention" by the competent national authorities to prevent or decrease the exposure of individuals to radiation.  
Current UK legislation implementing the provision of the Directive regarding intervention only allow for remedial action to be taken in case of redevelopment or disposal of radioactive waste. There is no regime to remedy other circumstances of past radioactive waste. The adoption of national registration to fill this gap has been delayed. The Commission has therefore decided to open infringement proceedings against the UK. A letter giving the Commission's reasoned opinion on the case will be sent and the UK will have an opportunity to correct the situation before a formal reference to the European Court of Justice". See Addendum Appendix. 3 – Pages

**B Signatory of the UK to respective Treaties and organisations in regards to the use of Nuclear Energy and its liabilities to its citizens and European Member States.**

1. Mr Fox was not afforded the opportunity by representation or otherwise to institute proceedings or obtain information regarding a *prime-facie* Environmental issues that harmed his children, himself and damaged his home.
  - (i) the Paris Convention on Third Party Liability in the Field of Nuclear Energy – referred as the "Paris Convention" which was adopted on the 29 July 1960 under the auspices of the European Nuclear Energy Agency (which later became the Nuclear Energy Agency – NEA) of the organisation for European Economic Co-operation (now the Organisation for Economic Co-operation for Development – OECD).
  - (ii) the Vienna Convention on Civil Liability for Nuclear Damage – referred to as the "Vienna Convention" was adopted on the 21 May 1963 under the auspices of the

International Atomic Energy Agency (IAEA).

(iii) the UK is acutely aware/conscious by meetings, we are led to believe of the governing bodies in monitoring developments in relation to both Conventions to the harm that has resulted to its subjects and the environment from many nuclear incidents/accidents but subject the public to continual abuse.

(iv) the Brussels Convention refers to the 1963 Brussels Convention as amended by the Additional Protocol of 28 January 1964 and by the Protocol of 16 November 1982. The Brussels Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgements in Civil and Commercial Matters.

#### **A - Details of Pleadings regarding the Fox family**

1. The pleadings refer to the Fox family;  
Mr Raymond James Fox, was together with his wife, Mrs Susan Fox the owners and occupiers of a house mortgaged by Scott-Life Homes No. 2 Ltd a subsidiary to Bradford and Bingley Bank PLC as their residential home at 337 Wokingham Road, Earley, Reading, Berkshire, RG6 7EB, (the Property) and were since October 1988. When purchasing the property they were not afforded all registry documents regarding other properties in the area being a danger to health and safety by the Shell subterranean nuclear facility by Wokingham District Council or the Land Registry.
2. It was by personal injury and damage by Nuclear Contamination that the family were advised to evacuate the Property upon the failings of the government agencies to protect the public against nuclear induced illness.
3. Mr Fox and his wife enjoyed living at the property with there two children by marriage and two adopted children from the death of a friend.
4. Mrs Fox with the adopted children Emma and Christopher upon the advice evacuated the property in 2001 therefore being 'homeless'. The local authorities WDC denied that there was any contamination whereupon by a malicious intent advised Mrs Fox to divorce Mr Fox with the aid of solicitors The Head Partnership. The splitting of the family caused emotional distress and trauma without the opportunity to facilitate in keeping the family together.
5. Mr Fox was unable to work owing to his continuous nuclear induced illness to keep the family in the custom they were used to by the company Fox Builders Ltd which was placed into administration by a fraudulent administrator seeking to gain excessive funds for an ulterior purpose. False unsubstantiated allegations were made against Mr Fox resulting in his bankruptcy whereupon the trustee unlawfully failed to seek all available proceeds in his equity taken by the liquidator.
  - 1.1. The First Daughter of Mr and Mrs Fox lived with her parents in the Property until 1993 visiting regularly.
  - 1.2. The Second Daughter of Mr and Mrs Fox lived with her parents in the Property until 1995 visiting regularly.
  - 1.3. The First adopted Daughter (formerly Emma Davies) of Mr and Mrs Fox and lived with Mrs Fox in the Property until forced to vacate in 2001.

- 1.4. The First adopted Son (formerly Christopher Davies) of Mr and Mrs Fox and lived with Mrs Fox in the Property until forced to vacate in 2001.
  - 1.5. And further the death of the grandson, the son of the Second Daughter who continually visited and stayed with Mr and Mrs Fox at the Property.
  - 1.6. Mr Fox is 55 years old - date of birth 31/07/1950, Mrs Fox is 51 years old - date of birth 20/05/1954, Ms Fox is 32 years old - date of birth 17/05/1973, Ms Fox is 30 years old - date of birth 23/02/1975, Ms Fox is 20 years old - date of birth 17/05/1985, Mr Fox, is 18 years old - date of birth 1/07/1987. Mr Fox and his family were prior to the events set out below, of good health. The grandson was the son to Ms ///////////////who died owing to injuries sustained by the mother.
1. At all material times the Fox family lived at 337 Wokingham Road, Earley, Reading, Berkshire, RG6 7EB, (the Property) adjacent to the subterranean nuclear facility of Shell/BP.
  2. The polluter joint and severally by the Minister of Works with the nationalised industries Royal Dutch Shell Oil UK and BP Petroleum Oil, prior to 1983, were a radiation employer undertaking work with radioactive substances within the meaning of the Radioactive Substances Act 1960 (RSA1960) under a Nuclear Licence as an agent for/of Formica Ltd No.RW/RAM/1178 and were vicariously liable by Title Deed.
  3. Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from 'ionising radiation' include Directives 76/579/Euratom 79/343/Euratom; 80/836/Euratom; Directive 84/467/Euratom having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 to 33 of the Treaty, thereof.
  4. And as to Directives; 62/4/Euratom; 66/45/Euratom - Whereas in order to perform its task the Community laid down basic standards for the first time in 1959 pursuant to Article 218 of the Treaty, thereof.
  5. In the UK the Health and Safety at Work Act 1974 (HSWA1974) places a general duty on employers to ensure, so far as reasonably practicable, that no harm comes to workers or members of the public from their undertakings. This duty extends, *inter alia*, to the provisions and maintenance of plant and systems of work, the use, handling, storage and transport of articles and substances and the provision of information.
  6. Of particular importance are the Ionising Radiation Regulations 1985 (IRR1985), as amended in 1999 which lay down the safety requirements in regard to all work with ionising radiations. They require that doses received from this work, both by radiation workers and by other persons, should be kept as low as reasonably practicable.
  7. On various dates a series of radiation accidents occurred when large quantities of contaminated water used in the holding or storage of plutonium escaped from a storage tank into the neighbouring surface water/foul drainage system via Mr A Property effecting the neighbouring properties and the River Lodden in the following

years (i) 1976 (ii) 1983 (iii) 1992, 1995 & 1997, culminating in the personal injury to Mr A and his family and their Property.

(a) In 1992 a flooding in the Earley area flooded Mr A property and garden where Mr A released the excess flood water by lifting the surface water manhole.

(b) In 1997 an overflow of sewage escaping into the Mr Fox garden and Property it was necessary to lift the man-hole to the rear of the garden to which Mr A and Mr E and pet animals became in direct contact with the radioactive substance via an 'unlawful connection', connecting to the Property, which further contaminated his daughters and unborn grandson who died.

(c) The above contamination killed all growth of trees and shrubs in the garden to the property.

1. Under the RSA1960 the Atomic Energy Authority (AEA) can only dispose of radioactive waste to water, land and air under the terms of the authorisation granted by the authorising bodies. These bodies are, in England and Wales, HM Inspectorate of Pollution (HMIP, part of DoE) and the Ministry of Agriculture Fisheries and Food (MAFF). The authorisations state conditions applying to the disposal, and usually require operators to use best practicable means to limit the radioactive content of disposals. AEA sites not licensed under the Nuclear Installations Act 1965 (NIA1965) which use radioactive substances on site are required to register that use.
2. The RSA1960 came into effect on December 1, 1963 requires persons who keep and use radioactive material to be registered with the Ministry of Housing and Local Government, and to obtain authorisation for the accumulation and/or disposal of radioactive waste.
3. Shell/BP International operated a subterranean nuclear facility from the Shell Depot at Earley Rise, Wokingham Road, Earley, Reading, Berkshire, was joint and severally owner with British Petroleum UK Oil (BP) by and occupied as an operator with the Minister of Works by Title Deed.
4. The Industrial Injuries Advisory Council, a statutory body since 1948 and under sch. 6 of the Social Security Administration Act 1962 was to advise and make aware preparations to the Minister of Health regarding medical treatment required by the Nuclear Industry to cover the eventuality of any nuclear escape effecting the workforce and to sustain specialist medical treatment centre's.
5. The said accidents were caused or contributed to by the negligence and/or breach of there statutory duty and/or there duty of care of the Fox family and others, their employees or agents acting in the course of there employment.

DETAILED ALLEGATIONS OF NEGLIGENCE AND/OR BREACH  
OF A STAUTORY DUTY

- (a) failing by engineering controls or design features or the provision and use of safety features and warning devices or systems of work or the provision of suitable

- personal protective equipment to take all necessary steps to restrict the extent to which the Fox family were exposed to ionising radiation in direct contact as to the duty of care to the public as to the statutory and Euratom provisions above.
- (b) there having been prior similar escapes *firstly* - on 25<sup>th</sup> March 1976 and the HMIP failed to ensure that an investigation was carried out contrary to the RSA1960 and the workers HSW1974 and Wokingham District Council (WDC).
  - (c) there having been prior similar escapes *secondly* - on 17<sup>th</sup> May 1983 the HMIP failing to ensure that an investigation was carried out contrary to the RSA1960 and the workers HSW1974 and (WDC).
  - (d) there having been prior similar escapes *thirdly* - in 1992 Mr Fox not aware of the previous discharges complained of suspected discharges to WDC who were in knowledge of the previous escapes and the HMIP failed to ensure that an investigation was carried out contrary to the RSA1960.
  - (e) there having been prior similar escapes *fourthly* - on 19<sup>th</sup> October 1995 **Thames** Water knowing of contamination by an environmentally unauthorised company and failing to apply for abatement notices and /or fines of contamination to the water table. Further that the HMIP and WDC failed to ensure that an investigation was carried out contrary to RSA1960 and/or by the UKAEA constabulary.
  - (f) there having been prior similar escapes the *fifth* - in 1997 on the discovery of contamination to the surface water drains by unlawful escape by unlawful discovery of a pipeline trespassing onto the Fox property that caused and continued to cause personal injury by direct contact and damage to the Property. The failure of the environmental agencies to stop the discharging of the nuclear substance incurred further ionising radiation damage.
  - (g) upon the above the media ie; BBC Radio 4 instigated an environmental report to assess any cause of 'nuclear induced illness' in the community by the Shell/BP and Ministry of Works Depot determined the failure of the above environmental agencies to protect the public and the community.
  - (h) upon the above it was necessary for the insurers to the Property Royal & Sun Alliance instigated an environmental report by eminent toxicologists confirming ionising radiation damage to the Property and to persons in direct contact causing personal injury. The HMIP and WDC failed to instigate an in depth investigation to the cause.
  - (i) WDC knowingly and in knowledge upon previous reports (in their control) the causing of damage and injury to Mr Fox and family and the Community of Earley, Woodley and Reading and being fully aware further and alternatively did by a malicious intent denied a home to Mr and Mrs Fox and family being made homeless which in turn caused matrimonial problems and divorce proceedings.
    - (a) A letter of the insurers Royal & Sun Alliance dated 21<sup>st</sup> November 2000 to Mr and Mrs Fox insurers of the Mortgagees, 'Mortgage Express' subsidiary to 'Bradford and Bingley' Bank confirming that: "It is your decision whether you remain in the Property but if you choose to do so Royal & Sun Alliance cannot accept any responsibility should an incident occur and result in injury to anyone".
  - (j) upon the previous reports and the failure to environmentally protect the family imposed such trauma to Mrs Fox and the children by WDC being instrumental in further denying also Social Security payments and by oppressive means advised a

- separation and the commencement of divorce proceedings advising the firm of solicitors The Head Partnership in Reading.
- (k) further upon the above the seriousness of the nuclear induced illness to Mr Fox who could not obtain the appropriate medical treatment for his adopted son or himself had to revert to a specialist toxicologist in Germany who now has a resident practice in the UK. The failure of the Dept. Health in association with the Industrial Injuries Advisory Council under Social Securities Administrations Act 1992 to determine medical treatment centre's for sufferers of nuclear induced illness does not absolve the UK Government from any liability that arises as the result of failure of the above government agencies.
  - (l) failing to ensure that such engineering controls design features, safety features or warning devices as may have been in place (none being admitted) intended to meet the requirements of safety regulation RSA1960 was properly maintained contrary to the Radiation Regulation of 1985 of the above legislation but without prejudice to the generality of this allegation it is Mr Fox case that:
    - (i) such engineering controls or design features as there were cannot have been maintained because one or more of them failed many times so as to cause an escape of polluted man made material;
    - (i) the fact of the escape many times is in itself indicates negligence or intent to allow an escape unless or until an exculpatory explanation for it pleaded and proven.
  - (a) failure to ensure that the Fox family had not been given appropriate medical treatment in the field of radiation protection to know the risks to his health created by exposure and direct contact to ionising radiation the precautions that should have been taken and the importance of complying with the requirements of the above regulations and environmental protection to have been afforded to the Fox family and the Community to an extent greater than the dose limits specified in the above Regulations or at all.
  - (b) the community inhabitants having previously been subjected to an over-exposure from 1986, and the Fox family further being exposed, the above government agencies failing to ensure that they did not receive an excessive further dose of ionizing radiation contrary to the regulations or at all.
  - (c) failing to provide or maintain for the Fox family and others safe or adequate plant or equipment.
  - (d) exposing the Fox family and others to a foreseeable risk of injury loss and damage of Property and business from 1985 until 1998 at Fox Builders Ltd being the Managing Director and major shareholder in the family building business contractors to Her Majesty Queen Elizabeth II.
  - (e) the above environmental agencies and statutory bodies failed to take adequate care for the safety of the Fox family and others.
  - (f) As a result of the above the Fox family suffered pain, injury and damage.

#### DETAILS OF INJURIES TO THE APPLICANTS

Mr A and Mr E was caused pain and severe suffering and loss of amenity brief details are set out under the following headings. Further information is contained in the attached medical reports attached to the Application.

### PRINCIPAL INJURY, PAIN AND SUFFERING

#### HOSPITAL TREATMENT, NURSING AND DOMESTIC CARE AND ATTENTION REQUIRED

Mr Fox and his son Christopher upon evaluation determined that Doctors in the UK were unable to diagnose the symptoms or offer any treatment. It was discovered by **extensive internationally excepted laboratory testing intensive detoxification by doctors in** Germany that temporary relief was obtained. Tissue and blood samples bone marrow biopsy revealed the presence of petrochemical and other toxins including Uranium and Plutonium. Upon further treatment required for ongoing treatments Mr Fox and his son by the doctors in the UK were denied any in patient treatment and necessary support by the Social Services Office and **suitable housing**.

Since the discharge from the clinic Mr Fox has suffered from the adverse effects of nuclear induced illness by excessive bleeding from the anus, feet, legs, hands, arms and extensive pain from blood bumps to the body sever damage to teeth and gums .  
His son has suffered **similar**

Nursing & Domestic Care and Attention is required

The Claimants are **incapable** of performing any domestic chores for a short period of time and/or travelling any length of time

#### OTHER ADVERSE EFFECTS AND LOSS OF AMENITY

(a) Effect on Ability to Work

Until the discharge of ionising radiation Mr A worked from 1985 until 1998 at Fox Builders Ltd being the Managing Director and major shareholder in the business of building new property and refurbishing older property and contracting general maintenance and plumbing for central Heating and air Conditioning The Clients included, Her Majesty's Royal Household, Government Agencies, Police Property, major Breweries and Housing Associations. Mr A used his expert knowledge and particular skills and building knowledge to all aspects of building with a backup of qualified workforce which included sub-contract workers in excess of 150 persons but has not been capable to work since 1997 owing to the injuries sustained. And enjoyed a happy family relationship with all the family. Mrs A was a part of Fox Builders Ltd overseeing the administration of the business until 1998, but after divorce proceedings works as a part - time care worker at a local home for the elderly.