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## CHAPTER 154

### THE ATOMIC ENERGY ACT

*Commencement:* 18 February, 2009

**An Act to provide for the regulation of peaceful applications of ionising radiation; to provide for the establishment of the Atomic Energy Council; to provide for the protection and safety of individuals, society and the environment from the dangers resulting from ionising radiation; to provide for the production and use of radiation sources and the management of radioactive waste; to provide for a framework for the promotion and development of nuclear energy for use in power generation and other peaceful purposes; to provide for compliance with international safety requirements for the use of ionising radiation, radiation protection and security of radioactive sources and for related matters.**

#### PART I—PRELIMINARY

##### 1. Application of Act

- (1) This Act applies to—
  - (a) a person whose practice involves or includes the production, processing, handling, use, holding, storage, transport or disposal of natural and artificial radioactive material and devices emitting ionising radiation;
  - (b) any other practice which involves a risk of harm arising from ionising radiation or a radioactive source;
  - (c) a facility which serves purposes of, or performs functions in the course of which ionising radiation is created or is capable of being created; and
  - (d) all situations involving exposure or the potential for exposure to ionising radiation, except those which are excluded from the standards.
  
- (2) Nothing in this Act applies to a practice or a source within a practice which is exempted by the Council under section 32 from the requirements of the standards if the Council is satisfied that the practice or

source meets the exemption criteria or the exemption levels specified by this Act or other exemption levels specified by the Council.

(3) The Council may, at its discretion, by statutory order, apply the provisions of this Act to sources of electromagnetic radiation other than x-rays and gamma rays.

## **2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“accident” means any unintended event, including operating errors, equipment failures or other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection or safety;

“approved” means approved by the Council;

“atomic energy” means ionising radiation emitted or energy released as a result of electronic or nuclear transitions in an atom;

“authorisation” means permission granted in writing by the Council to a person who has submitted an application to carry out a practice, and may take the form of a certificate of registration, licence or permit granted by the Council under section 36;

“authorised person” means a person issued an authorisation under section 36;

“certificate of registration” means a certificate issued under section 50;

“Council” means the Atomic Energy Council established by section 3;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“decommissioning” means the discontinuation, through administrative and technical actions, of the use of radiation equipment or installation on a permanent basis with or without dismantling the equipment or installations to allow the removal of some or all regulatory controls and includes decontamination, removal or containment of radioactive materials, waste component and structures;

“defence in depth” means the application of more than a single protective measure for a given safety objective such that the objective is achieved even if one of the protective measures fails;

“disposal”, in relation to waste, includes its removal, deposit, or destruction, its discharge, whether into water or into air or into a sewer or drain or otherwise, its burial whether underground or otherwise and “dispose of” shall be construed accordingly;

- “dose” means a measure of the radiation received or absorbed by a target;
- “dosimetry” means the science of measuring radiation doses;
- “exclude” means the exclusion from regulation of any exposure whose magnitude or likelihood is essentially unamenable to control through the requirements of the standards;
- “exempt” means the determination by the Council that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure, including potential exposure due to source or practice, is too small to warrant the application of those aspects or that this is the optimum option for protection irrespective of the actual level of dose or risks;
- “exposure” means the act or condition of being subject to irradiation and includes external exposure (irradiation by sources outside the body) and internal exposure (irradiation by sources inside the body);
- “facility” means any assembly of devices, equipment, structures or natural features, whether simple or complex, which serves some purpose or performs some function, in the course of which ionising radiation is created, or is capable of being created;
- “IAEA” means the International Atomic Energy Agency;
- “intake” means the process of taking radionuclides into the body by inhalation or ingestion, or through the skin;
- “intervention” means any action intended to reduce or avert exposure, or the likelihood of exposure to sources which are not part of a controlled practice or which are out of control as a consequence of an accident;
- “ionising radiation” means electromagnetic or corpuscular radiation, consisting of photons or particles capable of producing ions, directly or indirectly, in its passage through matter;
- “justified”, in relation to a practice, means a practice which produces sufficient benefit to the exposed individuals or to society to offset the radiation harm that it might cause;
- “limit” means the value of a quantity used in certain specified activities or circumstances that must not be exceeded;
- “member of the public” means any individual in the population, except when subject to occupational or medical exposure;
- “Minister” means the Minister responsible for atomic energy and radiation protection;
- “monitoring” means the measurement of a dose or contamination for purposes related to the assessment or control of exposure to

radiation or radioactive substances, and the interpretation of the results;

“notification” means a document submitted to the Council by a person, to notify the Council of an intention to carry out a practice;

“practice” means any human activity that introduces additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed;

“premises” includes any land, whether developed or not, including any place underground and any land covered by water;

“prescribed” means prescribed by or under this Act;

“protection and safety” means the protection of people against exposure to ionising radiation or radioactive substances and the safety of radiation sources, including the means for achieving such protection and safety;

“radiation” means ionising radiation;

“Radiation Protection Officer” means a person appointed under section 18;

“Radiation Safety Officer” means a person appointed under section 35;

“radioactive material” means any matter or substance containing one or more radionuclides, the activity or concentration of which is sufficiently intense to entail a significant risk of disability or disease to any body or organ in exposure, whether external or internal, and whether continuous or total;

“radioactive source” means radioactive material that is permanently sealed in a capsule or closely bonded in a solid form;

“radioactive waste” means material, whatever its physical form, remaining from practices or interventions and for which no further use is foreseen—

(a) that contains or is contaminated with radioactive substances and has an activity or activity concentration higher than the exempted levels; and

(b) exposure to which is not excluded from the standards;

“radiological damage” means any personal injury, loss of life or any loss of, or damage to, property which arises out of or results from the radioactive properties or combination of radioactive properties with toxic, explosive or other hazardous properties of radioactive material, or other materials;



- “radiological incident” means an occurrence or series of occurrences, having the same origin, which causes radiological damage in relation to preventive measures and creates a grave and imminent threat of causing such damage;
- “registered person” means a person registered under section 50 to carry out a practice or to use a source and who has recognised rights and duties for that practice or source, particularly in relation to protection and safety;
- “registration” means a form of authorisation for practices of low or moderate risks of using ionising radiation under section 50;
- “regulations” means regulations made under section 72;
- “risk” means a multi-attribute quantity expressing hazard, danger or chance of harmful or injurious consequences associated with actual or potential exposure and relates to quantities such as the probability that specific deleterious consequences may arise and the magnitude and character of such consequences;
- “safety assessment” means a review of the aspects of design and operation of a source which are relevant to the protection of persons or the safety of the source, including the analysis of the provisions for safety and protection established in the design and operation of the source and the analysis of risks associated with normal conditions and accident situations;
- “Secretary” means the Secretary to the Council appointed under section 15;
- “security” means measures to prevent unauthorised access to or damage to, and loss, theft or unauthorised transfer of radioactive material;
- “source” means anything that may cause radiation exposure, such as by emitting ionising radiation or releasing radioactive substances or materials;
- “standards” means the International Basic Safety Standards for protection against Ionising Radiation and for the Safety of Radiation Sources issued by the IAEA;
- “substance” means any natural or artificial material, whether in solid or liquid form, or in the form of a gas or vapour;
- “waste” means substances which constitute scrap material or effluent or other unwanted surplus substance arising from the application of any process, and includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt;

“worker” means any person who works and who has recognised rights and duties in relation to occupational radiation protection.

(2) In determining, for the purposes of this Act, whether any radioactive material is kept or used on any premises, no account shall be taken of any radioactive material kept or used in or on any vehicle, vessel or aircraft if—

- (a) the vehicle, vessel or aircraft is on those premises in the course of transportation; or
- (b) in the case of a vessel which is on those premises otherwise than in the course of transportation, the material is used in propelling the vessel or is kept in or on the vessel for use in propelling it.

(3) A substance or article, which, in the course of the carrying on of any practice, is discharged, discarded or otherwise dealt with as if it were waste, shall, for the purposes of this Act, be presumed to be waste unless the contrary is proved.

(4) A reference in this Act to contamination of a substance or article shall be construed as a reference to its becoming radioactive or possessing increased radioactivity as a result of its being affected in any of the following ways—

- (a) absorption, admixture or adhesion of radioactive material or radioactive waste; and
- (b) the emission of neutrons and other ionising radiation.

## PART II—ATOMIC ENERGY COUNCIL

### **3. Establishment of Atomic Energy Council**

(1) There is established a council to be known as the Atomic Energy Council.

(2) The Council is a body corporate with perpetual succession and a common seal and may, for the discharge of its functions under this Act—

- (a) acquire, hold and dispose of movable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all acts and things as a body corporate may lawfully do.

(3) The Minister may give directions in writing to the Council with respect to the policy to be observed and implemented by the Council, and the Council shall comply with those directions.

(4) The directions given by the Minister under subsection (3) shall not adversely affect or interfere with the independence of the Council or the performance of the functions and exercise of the powers of the Council under this Act.

(5) The Minister shall cause a copy of any directions given to the Council under subsection (3) to be published in the *Gazette*.

#### **4. Composition of Council**

(1) The Council shall consist of a Chairperson, and four other members appointed by the Minister with the approval of Cabinet.

(2) The members of the Council shall be persons of high moral character and proven integrity and who are qualified in nuclear science and technology disciplines.

(3) A person shall not be appointed to the Council who—

- (a) has been convicted of an offence under this Act or of an offence involving dishonesty or fraud by a competent court in Uganda or elsewhere;
- (b) is an undischarged bankrupt, or has made any assignment or arrangement with his or her creditors;
- (c) has been convicted of an offence and sentenced to imprisonment for a term of six months or more by a competent court in Uganda or elsewhere; or
- (d) is a member of Parliament, a Minister or a member of a local government Council.

#### **5. Tenure of office of members of Council**

(1) A member of the Council shall hold office for five years, on a part time basis and is eligible for re-appointment for two more terms, except that of the first members to be appointed to the Council, two shall be appointed to hold office for four years.

(2) A member of the Council may, at any time, resign his or her office by letter addressed to the Minister.

(3) The Minister may, at any time, remove a member of the Council only for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence;
- (d) absence from more than three consecutive meetings of the Council, or absence from Uganda for more than twelve months without reasonable excuse;
- (e) bankruptcy or insolvency;
- (f) conviction for a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
- (g) information relating to the conduct of a member, which could have precluded his or her appointment if it had been made available to the Minister, is brought to the attention of the Minister.

(4) A member of the Council who—

- (a) becomes a member of Parliament, a Minister or a member of a local government Council; or
  - (b) is convicted of an offence under this Act,
- automatically loses his or her office as a member of the Council.

(5) Where it appears to the Minister that there is cause to remove a member under subsection (3), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her explanation to the Minister.

(6) A person removed under subsection (3) is not entitled to any benefits that may be payable to him or her under section 7.

## **6. Filling of vacancies of Council**

Where a member is removed from office under section 5, the Minister shall appoint another person qualified in terms of section 4(2) to replace the member and to hold office for the remainder of the term of the removed member.

**7. Remuneration of members of Council**

The Chairperson and the members of the Council shall be paid such remuneration as shall be specified in their instruments of appointment.

**8. Functions of Council**

- (1) The functions of the Council are—
  - (a) to define the exposures of ionising radiation that are excluded from the application of this Act on the basis of their not being amenable to regulatory control;
  - (b) to issue authorisations and grant exemptions for the possession and use of radiation sources;
  - (c) to define the detailed obligations, including financial conditions, to be imposed on persons who undertake any practice under this Act;
  - (d) to conduct inspections to assess radiation safety and security conditions and compliance with this Act and the regulations and other requirements specified in an authorisation;
  - (e) to take such action as is necessary to enforce the requirements of this Act and of any regulations or authorisations;
  - (f) to ensure that corrective action is taken if unsafe or potentially unsafe conditions are detected;
  - (g) to ensure proper documentation, storage and retrieval of records relating to the safety of facilities and activities of ionising radiation;
  - (h) to establish and inform authorised persons of any requirements for systematic safety reassessment or periodic safety review;
  - (i) to prescribe and collect fees for authorisations, inspections and other related services;
  - (j) to advise other governmental authorities and organisations on matters within the competence of the Council;
  - (k) to assist in emergency responses to radiological incidents and accidents;
  - (l) to initiate, recommend or provide support on intervention relating to radiological emergencies, as may be appropriate;
  - (m) to maintain contact for information exchange and cooperation with regulatory bodies of other countries and relevant international organisations;

- (n) to establish appropriate mechanisms to inform the public about the regulatory process and the radiation safety aspects of regulated practices;
- (o) to monitor and appraise radiation workers, the public and the environment on the extent of radiation exposure;
- (p) to ensure proper collection and dissemination of information and advice to the public generally, and to authorised persons in particular, regarding measures necessary or desirable to be taken to reduce exposure to prescribed limits; and
- (q) to perform any other function that is incidental or consequential to its functions under this Act.

(2) The Council shall, to the greatest possible extent, consistent with this Act, consult and cooperate with departments, branches and agencies of Government having duties related to, or having aims or objectives related to those of the Council.

## **9. Meetings of Council**

Schedule 2 to this Act has effect in relation to meetings of the Council and other matters provided for in that Schedule.

## **10. Committees of Council**

- (1) The Council may appoint committees of the Council—
  - (a) to inquire into and advise the Council on any matter concerning the functions of the Council as it may refer to the committee;
  - (b) to exercise such powers or perform such functions of the Council as the Council may delegate or refer to the committee under section 11.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Council and other persons, whether members of the Council or not, as the Council may determine.

(3) The Council shall, in writing, specify the terms and conditions of service of the members of a committee appointed under this section.

(4) Members of a committee appointed under this section may be paid such allowances as the Council may determine.

(5) The Council may require a committee appointed under this section to act jointly or in cooperation with any other committee.

(6) Subject to any direction given by the Council, a committee appointed under this section may regulate its own procedure.

## **11. Delegation of functions of Council**

(1) The Council may, by instrument of delegation, delegate to the Chairperson, a member of the Council, an officer of the Council or to a committee established under section 10, any of the powers, duties or functions of the Council under this Act, other than

- (a) the power to reject an application for an authorisation, issue, amend or revoke an authorisation or to impose conditions in an authorisation;
- (b) the power to approve or modify fees;
- (c) the power to make regulations; and
- (d) the duty to take such action as is necessary to enforce the requirements in any regulations and authorisations, and to protect the health and safety of workers and the public.

(2) The Council may delegate to any competent person the power to—

- (a) conduct inspections, assess radiation safety conditions and other requirements specified in an authorisation;
- (b) collect fees for authorisations and other related services;
- (c) assist in emergency responses;
- (d) provide support in intervention relating to radiological emergencies as may be appropriate;
- (e) carry out research on radiation safety issues of regulatory concern; and
- (f) inform the public about the regulatory process and the radiation safety aspects of a practice.

(3) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.

(4) Any person aggrieved by the decision of a person to whom functions and powers have been delegated under this section may appeal to the Council.

(5) A person shall, in the exercise of a delegated power under this section, comply with such directions or guidelines as the Council may communicate in writing.

## **12. Independence of Council**

The Council shall, subject to the declared policy of the Government and except as is otherwise provided in this Act, be independent in the performance of its functions and duties and exercise of its powers and shall not be subject to the direction or control of any person or authority.

## **13. Dosimetry service**

(1) The Council shall operate and maintain a dosimetry service for purposes of—

- (a) ensuring that radiation measuring devices are worn by individuals who are occupationally exposed to radiation;
- (b) maintaining records and providing a reporting service by which it will maintain adequate records of all exposure measurements and provide to an authorised person and to the Council reports, at suitable intervals, of the information contained in those records; and
- (c) providing early or efficacious warnings to individuals who have been or are likely to be subject to over-exposure to ionising radiation.

(2) The services of the dosimetry may—

- (a) be provided upon payment of a fee prescribed by the Council by notice in the *Gazette*; and
- (b) subject to the directions of the Minister, be included in an authorisation as a condition subject to which the authorisation is granted.

### **PART III—SECRETARIAT AND STAFF OF COUNCIL**

## **14. Secretariat**

(1) The Council shall have a secretariat, which shall be headed by a secretary.



- (2) The functions of the secretariat are—
  - (a) to implement the decisions of the Council;
  - (b) to recommend to the Council proposals for the formulation of policies of the Council and to implement policies adopted by the Council;
  - (c) to establish and maintain relationships with national, regional and international organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies, and the carrying out of the functions of the Council; and
  - (d) to perform any other function as the Council may direct.

## 15. Secretary

(1) The Council shall have a secretary who shall be appointed by the Council upon terms and conditions specified in his or her instrument of appointment.

(2) The Secretary shall be a person of high moral character and proven integrity, with relevant qualifications and experience in atomic energy disciplines; qualifications in law and public administration shall be an added advantage.

(3) The Secretary shall be an *ex officio* member of the Council.

## 16. Functions of Secretary

(1) The Secretary is the chief executive officer of the Council and is responsible for the day-to-day operations and administration of the Council.

(2) Subject to this Act and to the general supervision and control of the Council, the Secretary is responsible for

- (a) the implementation of the policies and programmes of the Council and reporting on them to the Council;
- (b) the proper management of the funds and property of the Council;
- (c) the organisation and control of the staff of the Council; and
- (d) performing any other duty that may be assigned to him or her by the Council.

(3) The Secretary is, in the performance of his or her functions, answerable to the Council.

**17. Tenure of office of Secretary**

- (1) The Secretary shall hold office for five years and is eligible for re-appointment for two more terms.
- (2) The Secretary shall cease to hold office if—
  - (a) he or she resigns;
  - (b) he or she is declared or becomes bankrupt or has made an arrangement with his or her creditors;
  - (c) he or she is convicted of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine; or
  - (d) he or she is removed from office by the Council for
    - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
    - (ii) misbehaviour or misconduct; or
    - (iii) incompetence.

**18. Radiation protection officers**

- (1) The Council shall appoint radiation protection officers who shall hold office upon such terms and conditions as shall be determined by the Council.
- (2) A radiation protection officer shall be under the charge and direction of the Secretary and is responsible to the Council in the performance of his or her functions.

**19. Designation and grading of radiation protection officers**

- (1) The Council shall, for the purposes of ensuring the effective performance of its functions, establish a system of designation and grading of radiation protection officers as it may deem fit.
- (2) A radiation protection officer may, in the exercise of his or her functions under this Act—
  - (a) make such examination and inquiry as may be necessary to ascertain that the provisions of this Act are being complied with;
  - (b) examine, either alone or in the company of any other person whose presence he or she deems necessary, any person, with

respect to any matter connected with the enforcement of this Act, or require such person to be so examined; and

- (c) do any other act or thing necessary, expedient or desirable for the effective carrying into effect the provisions of this Act.

(3) A radiation protection officer shall prepare and submit reports of his or her findings to the Secretary for submission to the Council.

**20. Access to premises by radiation protection officers and authorised persons**

(1) Subject to this Act, and to any other written law, where a radiation protection officer or other authorised person reasonably suspects that any provision of this Act or of regulations made under this Act or a direction or other provision made or issued under this Act is being, has been, or is about to be contravened by any person in any premises, vehicle, vessel or aircraft, the radiation protection officer may, on behalf of the Council—

- (a) enter the premises, or stop and enter any vehicle, vessel or aircraft or any part of it for purposes of stopping or preventing the contravention, or ascertaining whether in fact a contravention is occurring or has occurred and take appropriate measures; or
- (b) enter premises and facilities in which radiation sources are located or expected to be located in order to obtain information about the status of radiation safety and verify compliance with regulatory requirements; and
- (c) upon entry, require the production of any authorisation or certificate authorising the use, installation or transportation of any source or sources concerned, and any register, notice book or other document kept or required to be kept by the authorised person by this Act.

(2) Every owner or occupier, and every agent or employee of the owner or occupier of any premises, vehicle, vessel or aircraft in or on which there is any source, or any radioactive apparatus or materials, or in which waste is installed, accumulated, disposed of or transported, shall, upon demand by a radiation protection officer in accordance with subsection (1), provide the means required or necessary to facilitate the entry, inspection, examination, inquiry, taking of samples or any other act in furtherance of this Act.

**21. Other officers and staff of Council**

(1) The Council may, on the advice of the Secretary, appoint other officers and staff of the Council as may be necessary for the effective performance of the functions of the Council.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be determined by the Council and specified in their instruments of appointment.

**22. Consultants**

The Council may engage consultants to serve as individual expert advisers or as members of a committee of the Council established under section 10 as may be useful and appropriate for the Council to discharge its responsibilities.

**PART IV—FINANCIAL MATTERS****23. Funds of Council**

- (1) The funds of the Council shall consist of—
  - (a) money appropriated by Parliament for the purposes of the Council;
  - (b) grants or donations from the Government or other sources made with the approval of the Minister and the Minister responsible for finance; and
  - (c) fees charged for services and activities rendered by the Council under this Act.
- (2) The funds of the Council may be applied—
  - (a) for the payment or discharge of its expenses, obligations or liabilities incurred in connection with the performance of its functions or exercise of its powers under this Act; and
  - (b) for the payment of any remuneration or allowances payable under this Act.

**24. Borrowing powers**

The Council may, with the prior approval of the Minister and the Minister responsible for finance, borrow money from any source as may be required for

meeting its obligations and for the discharge of the functions of the Council under this Act.

## **25. Power to open and operate bank accounts**

(1) The Council shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The Council shall ensure that all money received by or on behalf of the Council is banked as soon as practicable after being received.

(3) The Council shall ensure that no money is withdrawn from or paid out of any of the Council's bank accounts without its authority.

## **26. Investment of surplus funds**

Any funds of the Council not immediately required for any purpose under this Act may be invested in a manner, which the Council may, after consultation with the Minister and the Minister responsible for finance, determine.

## **27. Estimates**

(1) The Secretary shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of the income and expenditure of the Council.

(2) The Council shall, within two months of receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Council.

## **28. Financial year**

The financial year of the Council is the period of twelve months commencing on the 1st day of July and ending on the 30th day of June of the following year.

## **29. Accounts**

(1) The Secretary shall cause to be kept, proper books of accounts and records of the transactions of the Council.

(2) Subject to any direction given by the Minister, the Secretary shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, a profit and loss account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may, in writing, require.

### **30. Audit**

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Council.

(2) The Council shall ensure that, within four months after the end of each financial year, a statement of accounts described in section 29(2) is submitted to the Auditor General or an auditor appointed by the Auditor General, for auditing.

(3) The Auditor General and any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Council and is entitled to any information and explanation required in relation to those records.

## **PART V—AUTHORISATIONS**

### **31. No practice without authorisation**

(1) Subject to section 32, a person shall not acquire, own, possess, operate, import, export, hire, loan, receive, use, install, commission, decommission, transport, store, sell, distribute, dispose of, transfer, modify, upgrade, process, manufacture or undertake any practice related to the application of atomic energy and regulated by this Act unless permitted by an authorisation issued under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three hundred currency points or to imprisonment for a term not exceeding six years, or both.

### 32. Exempted practices

- (1) The Council may, by statutory order, specify practices—
  - (a) that do not require an authorisation; or
  - (b) that do not require an authorisation so long as certain prescribed circumstances apply or any condition specified in the order is complied with.

### 33. Notification of Council

(1) A person who intends to carry out any practice specified in section 31 shall notify the Council of the intended practice.

(2) The notice given under subsection (1) shall be in the prescribed form and shall contain—

- (a) the name and address of the person;
- (b) the location of the proposed practice;
- (c) the nature and technical description of the proposed practice;
- (d) details of the proposed practice and identification of each source of ionising radiation;
- (e) the legal status and technical competence of the applicant;
- (f) the impact of the proposed practice on public and private interests and possible mitigation measures; and
- (g) reports on studies undertaken, including an environmental impact assessment and a safety assessment of the proposed practice.

(3) The Council shall, within thirty days after receipt of a notice under subsection (1), cause a notice to be published in the *Gazette* and in at least one national newspaper of wide circulation in Uganda.

- (4) The notice published under subsection (3) shall—
  - (a) contain a summary of the information given under subsection (2); and
  - (b) inform members of the public that the notice may be inspected at the offices of the Council and at a public office within the jurisdiction of the local Council affected by the proposed practice.

(5) The Council shall invite directly affected parties and public agencies to make comments on the proposed practice as contained in the

notice referred to in subsection (2), within thirty days after publication of the notice in the *Gazette*.

(6) The Council may, not more than thirty days after receipt of comments under subsection (5), issue a permit, in the prescribed form, to the applicant.

(7) A permit issued under subsection (6) shall allow the applicant to carry out studies and other activities that may be necessary to enable the applicant to prepare an application for an authorisation.

#### **34. Application for authorisation**

(1) An application for an authorisation shall be submitted to the Council in the prescribed form and shall contain—

- (a) the legal status and technical competence of the applicant;
- (b) a technical description of the practice to be carried out;
- (c) the planned time of commencement and completion of the construction of installations relating to the practice;
- (d) the name and qualifications of at least one person designated as a radiation safety officer for purposes of the practice;
- (e) the impact of the proposed practice on public and private interests, including the interests of affected landowners and holders of other rights and possible mitigation measures;
- (f) reports and studies undertaken, including an environmental impact assessment and a safety assessment of the proposed practice;
- (g) an emergency response plan for the proposed practice;
- (h) consents and permits required under any other law; and
- (i) any further information that the Council may require.

(2) The Council shall, within thirty days after receipt of an application for an authorisation, confirm in writing to the applicant, that the application is complete in all aspects; and where the application is not complete, shall request the applicant to resubmit the application.

(3) The Council shall process every application for an authorisation expeditiously and in any case, not later than ninety days after receipt of the application.



### **35. Radiation safety officer**

(1) Every person using ionising radiation shall, in consultation with the Council, appoint a suitably qualified person employed by that person, to be a radiation safety officer in relation to the practice.

(2) A radiation safety officer is responsible for the radiation protection and safety in the operation of the practice and any source of ionising radiation in the practice.

(3) For the purposes of this section, where a practice consists of activities carried on in two or more different premises, and the carrying on of the activities in those premises involves the production of ionising radiation, there shall be appointed a radiation safety officer in respect of each of the premises, notwithstanding that the different premises are each a part of one practice belonging to one person.

(4) A radiation safety officer shall—

- (a) advise his or her employer in relation to all matters pertaining to the safety of workers, the public and the environment from radiation; and the security of radiation sources;
- (b) advise his or her employer regarding the observance and enforcement of relevant codes of practice and regulations for the protection of workers, the public and the environment from radiation, and the safety of radiation sources;
- (c) consult and liaise with the Council regarding the implementation of radiation protection measures at the employee's premises; and
- (d) liaise with the Council in the enforcement of the provisions of this Act in relation to the practice in respect of which he or she is appointed.

### **36. Grounds for grant or rejection of application**

(1) The Council shall, in granting or rejecting an application for an authorisation, take into consideration, as far as is adequate for the practice applied for—

- (a) the legal status of the applicant;
- (b) the impact of the practice on the social, cultural and recreational life of the community;

- (c) the need to protect the environment and to conserve natural resources;
- (d) the land use and siting of the practice;
- (e) the ability of the applicant to operate in a manner designed to protect the health and safety of users, workers, beneficiaries and other members of the public who would be affected by the practice; and ensure the security of radiation sources and installations; and
- (f) public and private interests affected by the practice.

(2) The Council may, on application, grant an authorisation subject to the conditions set out under subsection (1).

(3) The Council shall, where it refuses to grant an authorisation, give the applicant a statement of its reasons for the refusal within thirty days after the decision.

(4) Any person aggrieved by the decision of the Council under subsection (3) may appeal to the High Court.

(5) Nothing in this Act shall prevent the holder of an authorisation who has fulfilled all the obligations under that authorisation from applying for and obtaining any other authorisation under this Act.

### **37. Conditions of authorisation**

(1) The Council may attach terms, conditions and limitations to an authorisation.

(2) Any terms, conditions and limitations attached to an authorisation by the Council under subsection (1) shall be set out in the authorisation.

### **38. Duration of authorisation**

Subject to any other provision under this Act, an authorisation shall remain in force for the period specified in it.

### **39. Transferability of authorisation**

(1) An authorisation shall not be transferred without the written consent of the Council.

(2) An authorised person may apply to the Council, in the prescribed form and manner, for the transfer of an authorisation.

(3) An application under subsection (2) shall be accompanied by the application, in the prescribed form, of the person to whom the authorised person intends to transfer the authorisation and the prescribed transfer fee shall be paid to the Council on the approval of the transfer.

(4) The Council shall satisfy itself of the legal and technical competence of the person to whom the authorisation is to be transferred.

(5) The Council shall not unreasonably withhold consent to an application to transfer an authorisation unless it has reason to believe that the public interest or radiation safety is likely to be prejudiced by the transfer.

(6) The decision of the Council to grant or deny the transfer of an authorisation is final.

(7) In this section—

“transfer of authorisation” includes the acquisition of control by the person to whom the authorisation is transferred; and

“control” as used with respect to any person, means the possession, directly or indirectly, of the power to direct or cause the direction of the management by that person, whether through the ownership of shares, voting, securities, partnership or other ownership interests, agreements or otherwise.

### **40. Renewal of authorisation**

(1) The Council may renew an authorisation on such terms and conditions as it may determine.

(2) An authorised person may, ninety days before the expiry of an authorisation, apply to the Council, in the prescribed form, for the renewal of the authorisation.

(3) An application for renewal shall be in writing to the Council and shall be accompanied by the prescribed fee.

#### **41. Power of Council to review, amend or vary authorisation**

The Council may, at any time, after informing the authorised person of the course of action the Council intends to take, and after giving the authorised person a reasonable opportunity to be heard or to give written representations—

- (a) vary the duration of the authorisation; or
- (b) add to or remove terms, conditions or limitations of the authorisation.

#### **42. Compliance with conditions of authorisation**

(1) Where the Council is of the opinion that the authorised person is contravening a condition of an authorisation or a requirement under this Act or regulations, codes or standards made under this Act, it shall direct the authorised person to comply with that condition or requirement.

(2) A directive requiring an authorised person to comply under subsection (1) shall be sent to the authorised person and to other directly affected parties and shall—

- (a) contain the relevant condition of the authorisation or requirement of the Act, regulations, codes or standards to which the breach relates;
- (b) contain the acts, omissions or other facts which, in the opinion of the Council, constitute a contravention of the condition or requirement;
- (c) specify a period, not being less than twenty days from the date of receiving the notice, within which representations or objections may be made by the authorised person or directly affected parties; and
- (d) specify the period within which the authorised person may rectify the breach or contravention.

(3) The Council shall take into consideration all representations made under section 41 before notifying the authorised person and directly affected parties of its decision to either—

- (a) uphold the order of compliance;

- (b) vary the original order of compliance; or
- (c) withdraw the order of compliance.

**43. Action for contravention of condition by authorised person**

(1) Where the Council, after consultation with the relevant authorised person and any directly affected party, is satisfied that an authorised person is contravening or is likely to contravene a condition of an authorisation or any requirement under this Act, or regulations, codes or standards made under this Act, and where the Council is satisfied that immediate action is necessary—  
to protect the health of workers, beneficiaries, other members of the public and the environment, and to ensure radiation safety; or

(b) to prevent the dissipation of property or assets,  
it may direct the authorised person to take immediate action to discontinue or refrain from that practice.

(2) Where the authorised person does not take action as directed under subsection (1), the Council may take any necessary action on behalf of the authorised person at the cost of the authorised person.

**44. Modification of terms of authorisation**

(1) The Council may modify the terms and conditions of an authorisation following notification to the authorised person as required under section 41.

(2) Where there is need to modify a practice for purposes of ensuring radiation safety, the Council shall require the authorised person to undertake the necessary modifications.

(3) The Council shall prescribe the necessary modifications and the time period within which the modifications are to be effected.

**45. Revocation of authorisation**

(1) The Council may revoke an authorisation with immediate effect where it is satisfied that the authorised person is not operating in accordance with the terms and conditions of the authorisation or of this Act or regulations, codes or standards made under this Act if the breach—

- (a) inflicts significant damage on public or private interests; or

- (b) gives the Council strong reasons to believe that the authorised person may not be able to fulfil his or her obligations under the authorisation or this Act.

(2) The Council shall, on revoking an authorisation, take such action as is necessary to ensure that all the activities pertaining to the authorisation cease immediately.

(3) Any person aggrieved by the revocation of an authorisation under this section may appeal to the High Court within thirty days after the revocation.

#### **46. Obligations of authorised persons**

(1) An authorised person under this Act shall carry out his or her activities in accordance with the authorisation, this Act and regulations made under this Act.

(2) An authorised person shall keep records and prepare reports relating to the practice.

(3) The records and reports referred to in subsection (2) shall be submitted to the Council annually.

(4) An authorised person shall, at the request of the Council and at the cost of the authorised person, provide all available information about the technical, hydrological, geological or environmental issues and any other relevant information relating to the practice.

(5) An authorised person undertaking more than one practice shall keep separate records and reports for each practice.

#### **47. Notice of intended termination**

(1) An authorised person shall notify the Council of his or her intended termination of a practice three months before the termination.

(2) The Council shall prescribe the decommissioning procedure within a reasonable time, not exceeding sixty days after receipt of notification of the intended decommissioning from the authorised person.

(3) The authorised person shall proceed with the decommissioning process at his or her own expense and to the satisfaction of the Council.

(4) The decommissioning of a practice shall be in accordance with the standards and any other relevant law.

#### **48. Register of authorisations**

(1) The Council shall cause to be compiled and maintained a register of authorisations showing, in respect of each authorisation, such particulars as may be prescribed.

(2) The register shall be kept in the office of the Secretary and shall, at all reasonable times, be available for inspection by any person upon payment of the prescribed fee, if any.

#### **49. Notice of accident**

(1) An authorised person shall, as soon as possible, but in any case within forty-eight hours of the occurrence of an accident or incident in connection with a practice or a radiation source in any part of the practice, send to the Council notice, together with details of—

- (a) any loss of life and serious personal injury caused by the accident or incident; and
- (b) any mitigation measures undertaken by the authorised person.

(2) Nothing in subsection (1) shall absolve an authorised person from the requirement to comply with the provisions of any other written law relating to accidents.

#### **50. Registration**

(1) The Council shall register all persons using ionising radiation for practices of low or moderate risk as determined by the Council.

(2) A person who uses ionising radiation for practices of low or moderate risk shall apply to the Council for registration in the prescribed manner.

(3) The Council shall issue a certificate of registration to every person registered under this section.

(4) A person who uses ionising radiation for practices of low or moderate risk shall prepare and submit to the Council a safety assessment of the facilities and equipment.

PART VI—PROMOTION AND DEVELOPMENT OF NUCLEAR  
ENERGY

**51. Promotion and development of nuclear energy**

Subject to the provisions of this Act relating to the use of ionising radiation, Government may promote and develop the use of nuclear energy for power generation and other peaceful purposes in Uganda.

**52. Establishment and functions of Nuclear Energy Unit**

(1) For the purposes of section 51, there is established a Nuclear Energy Unit in the Ministry responsible for energy.

(2) The functions of the Nuclear Energy Unit are—

- (a) to develop a comprehensive national strategy to assess the potential role, viability and obligations associated with nuclear energy in the context of energy needs for national socioeconomic developments;
- (b) to prepare a strategy and implementation plan for the acquisition of nuclear power plants for power generation;
- (c) to prepare a long term sustainable programme for the supply of nuclear fuel;
- (d) to prepare a plan for the management, interim storage and final disposal of nuclear waste from operations of nuclear power plants;
- (e) to liaise with prospective investors in the nuclear industry with a view to promoting investment in the industry;
- (f) to prepare the decommission strategy and plan for nuclear power plants;
- (g) to coordinate research in Uganda on the development of nuclear energy for peaceful applications;
- (h) to coordinate the peaceful application of nuclear energy in the sectors of agriculture, animal health, environment, water



resources management, mining, geothermal, human health and any other relevant field; and

- (i) to act as coordinator of the Technical Cooperation Programme between the IAEA and the Government of Uganda.

PART VII—SAFETY AND SECURITY OF  
RADIOACTIVE SOURCES

**53. General responsibility**

(1) An authorised person shall ensure the safety and security of all sources under his or her responsibility, from the moment of acquisition, throughout their entire operational life, up to final disposal.

(2) An authorised person shall, for the purpose of safeguarding the safety of the radiation source, ensure that a multi-layer system of provisions for protection and safety, defence in depth, commensurate with the magnitude and likelihood of the potential exposure involved is applied to the radiation sources under his or her responsibility such that a failure at one layer is compensated for or corrected by subsequent layers, for the purpose of—

- (a) preventing accidents that may cause exposure;
- (b) mitigating the consequences of any such accident should it occur; and
- (c) restoring sources to safe conditions after any accident.

(3) An authorised person shall ensure that, as applicable and appropriate, the location, design, construction and assembly, commissioning, operation and maintenance, and decommissioning of sources are based on sound engineering practice which—

- (a) takes into account approved codes and standards and technical and scientific developments;
- (b) is supported by reliable managerial and organisational features; and
- (c) includes adequate safety margins in the design, construction and operation of sources.

**54. Accountability and security of sources**

An authorised person shall make arrangements for the security of sources under his or her responsibility by ensuring that—

- (a) control of a source is not relinquished without compliance with all relevant requirements specified in the licence and without immediate communication to the Council of information regarding any decontrolled, lost, stolen or missing source;
- (b) a source is not transferred unless the receiver possesses a valid authorisation;
- (c) records are maintained of source inventory, including records of receipt, transfer and disposal of sources; and
- (d) a periodic inventory of sources is conducted at intervals specified in the licence to confirm that they are in their assigned locations and are secure.

### **55. Security of radioactive sources**

(1) An authorised person shall promptly report to the Council any loss of control and any incidents connected to a radioactive source.

(2) An authorised person shall institute security measures to prevent, protect against, and ensure timely detection of theft, loss of, and unauthorised use or removal of radioactive sources during all stages of management.

(3) An authorised person shall, immediately after reporting the loss of control or any incident connected to radioactive sources, submit to the Council a report with details of the incident.

## **PART VIII—EMERGENCY PREPAREDNESS AND RESPONSE**

### **56. Radiological Emergency Response Committee**

(1) The Minister may, in consultation with the Council, establish an Emergency Radiological Response Committee.

(2) The Committee shall consist of the Secretary and one representative from each of the following—

- (a) the Ministry responsible for health;
- (b) the Ministry responsible for information;
- (c) the Ministry responsible for disaster preparedness;
- (d) the National Environment Management Authority;
- (e) the Uganda Peoples' Defence Forces;
- (f) the Uganda Police Force;

- (g) the Uganda Prisons Service; and
- (h) the International Committee of the Red Cross.

#### **57. Functions of Committee**

- (1) The functions of the Committee are—
  - (a) to prepare a national emergency preparedness and response plan;
  - (b) to ensure that arrangements are in place for a timely, managed, controlled, coordinated and effective response at the scene and at the local, regional, national and international level, to any nuclear and radiological emergency; and
  - (c) to prepare and periodically review emergency preparedness, response action levels and intervention levels.

(2) The Council, together with the Minister, shall coordinate the functions of the Committee.

#### **58. Responsibility of authorised persons**

(1) An authorised person shall have the prime responsibility for the safe operation, protection and safety of radiation facilities or installations and safe management of radiation sources during a nuclear and radiological emergency.

(2) Where a practice or source within a practice has a potential for accidents which may provoke the unplanned exposure of any person, the authorised person shall ensure that an emergency plan appropriate for the source and its associated risks is prepared and is kept operational.

(3) Where a source is involved in an accident or incident, the authorised person is responsible for taking protective action required for the protection of occupationally exposed workers, undertaking interventions and for protecting the public from exposure as may be set out in the authorisation or in the emergency plan, or as might otherwise be required by the Council to protect against, mitigate or remedy a hazardous situation involving the source.

#### **59. Emergency response plans**

- (1) An authorised person shall prepare an emergency plan outlining
  - (a) the content, features and extent of a potential emergency;

- (b) the various operating and other conditions of the source which could lead to the need for intervention;
- (c) intervention levels, including degrees of severity of accidents or emergencies that could occur;
- (d) the methods and instruments for assessing the accident and its consequences on and off the site;
- (e) protection and mitigation actions, and assignment of responsibilities for initiating and discharging such actions;
- (f) rapid and continuous assessment of the accident as it proceeds and determining the need for protective actions;
- (g) procedures, including communication arrangements, for contacting any relevant intervening organisation and for obtaining assistance from fire-fighting, medical, police and other relevant organisations;
- (h) the training of personnel involved in implementing emergency plans and for the plan to be rehearsed at suitable intervals in conjunction with designated authorities;
- (i) the allocation of responsibilities for notifying the Council and other relevant authorities, and for initiating interventions; and
- (j) periodic review and updating of the plan.

(2) A user of ionising radiation shall implement an on-site emergency plan.

(3) The committee shall implement off-site emergency plans and any transboundary plans.

## **60. Emergency response planning requirements of authorised person**

An authorised person responsible for radiation sources for which prompt intervention may be required shall ensure that the emergency plan defines on-site responsibilities and takes account of off-site responsibilities of other intervening organisations appropriate for the implementation of the emergency plan.

## **61. Implementation of intervention**

(1) An authorised person shall ensure that protective action or remedial action aimed at reducing or averting accidental exposures is undertaken only when justified, taking into account health, social and economic factors.

(2) The form, scale and duration of any justified intervention shall be optimised so as to produce the maximum net benefit in the prevailing social and economic circumstances.

(3) An authorised person shall promptly notify the Council when an accidental situation requiring intervention has arisen or is expected to arise and shall keep the Council informed of—

- (a) the current situation and its expected evolution;
- (b) the measures taken to terminate the accident and to protect workers and members of the public; and
- (c) the exposures that have been incurred and that are expected to be incurred.

#### PART IX—OFFENCES AND PENALTIES

### **62. Offences and penalties**

(1) An authorised person who fails to send a notice to the Council under section 49 as soon as possible after the occurrence of an accident has become known to him or her, commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points.

(2) Any person who wilfully operates a faulty installation or destroys, damages or interferes in any way with the equipment, apparatus, instrument, plant or installation or any part of it which is a source of ionising radiation, in such manner as to cause the uncontrolled or unregulated emission of radiation which causes loss of life, limb, function of any part of the body, or property of any person commits an offence and is liable, on conviction, to imprisonment for a term not exceeding ten years, without the option of a fine.

(3) Any person who, knowingly, wilfully and without reasonable excuse—

- (a) fails or refuses to produce a register, licence, certificate, notice or other document required of him or her by a radiation protection officer in the performance of his or her functions under this Act;
- (b) conceals, prevents or attempts to prevent a person from appearing before or being examined by a radiation protection officer; or
- (c) in any other manner obstructs a radiation protection officer in the course of performing his or her functions under this Act,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding four years without the option of a fine.

### **63. Additional powers of court**

(1) Where a person is convicted of an offence under this Act, the court convicting him or her may, in addition to any penalty that it may impose, make an order for the forfeiture, impounding, destruction, incapacitation, sealing or disposal in any other manner of any radioactive material, apparatus, substance or article in respect of which the offence may have been committed.

(2) A court, on convicting any person for an offence under this Act, may order that person, within a time specified in the order, to do any act the person had failed, refused or neglected to do.

### **64. Offences by companies and partnerships**

(1) Any act or omission which, if done by an individual would be an offence under this Act or any regulations made under this Act shall, if done by a body corporate, be deemed to be an offence committed by every director, secretary or manager, unless he or she proves that the offence was committed without his or her consent or connivance, and that he or she exercised all diligence to prevent it, having regard to the nature of his or her functions and to all the circumstances of the case.

(2) Where an offence under this Act or under any regulations made under this Act is committed by a partner in a firm, every person who, at the time of the commission of the offence, was a partner in that firm or was purporting to act in that office shall be deemed to have committed the offence unless he or she proves that the offence was committed without his or her consent or connivance, and that he or she exercised all diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions, and to all the circumstances of the case.

### **65. Seizure**

In addition to the penalties prescribed by this section, the radioactive material or any unlicensed device producing uncontrolled ionising radiation is subject to seizure, impounding, sealing, being rendered inoperative, destruction or

disposal in a manner which the Secretary may consider necessary for the protection of the public and under conditions prescribed in an authorisation.

**66. General penalty**

Any person who commits an offence under this Act for which no specific penalty is provided is liable, on conviction, to a fine not exceeding two hundred currency points or to imprisonment for a term not exceeding four years, or both.

**67. Evidence of cause of disability**

An authenticated record of measurements of radiation exposure maintained in accordance with this Act shall, unless the contrary is proved, be accepted by every court before which proceedings arising from this Act are conducted, as evidence establishing causes of disability.

PART X—MISCELLANEOUS

**68. Registry of radiation sources**

The Council shall establish a registry of radiation sources, practices, radioactive materials and radioactive waste.

**69. Annual and other reports**

(1) The Council shall, within three months after the end of each financial year, submit to the Minister a statement of its activities in the preceding financial year, containing such information as the Minister may require.

(2) The Council shall submit to the Minister, such other reports on its activities or on any other matter as the Minister may require.

(3) The Minister shall, not later than six months after receipt of the report submitted to him or her under subsection (1), table the report before Parliament.

**70. Confidentiality**

(1) A member of the Council, the Secretary and other staff of the Council performing any functions under this Act shall treat as confidential, any information regarding a contravention or imminent contravention of any provision of this Act and shall not give any notice or other intimation to any person using radiation that a visit or inspection is to be made in consequence of any such complaint or information received.

(2) A person employed under this Act or otherwise engaged in the furtherance of the administration of its provisions, shall treat as confidential and secret, any information which comes to his or her knowledge in the course of the performance of his or her functions, and which is of a type ordinarily considered as being subject to professional, commercial, trade or industrial secret, the revelation of which is not necessary for the implementation of the provisions of this Act.

(3) This section shall remain in force in respect of all persons to whom it relates, whether or not that person ceased to be engaged or employed in the furtherance of the administration of this Act.

**71. Protection of members and employees**

A member of the Council or an employee of the Council or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Council.

**72. Regulations**

(1) The Council may, by statutory instrument, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), regulations made under this section may provide for—

- (a) governing notification, authorisation and exemption of practices and radiation sources and establishing radiation protection and safety requirements;
- (b) the registration of users of ionising radiation for practices of low or moderate risk;



- (c) application and authorisation forms to be used under this Act;
- (d) the terms, conditions and limitations to be attached to authorisations;
- (e) authorisation fees;
- (f) limiting the use of radioactive material or equipment producing dangerous ionising radiation for medical or dental purposes;
- (g) fees for services rendered by the personal radiation dosimetry service;
- (h) the contents of records and reports relating to a practice as required by section 46(2);
- (i) particulars to be maintained in the register of authorisations required to be kept by the Council under section 48(1);
- (j) the management and disposal of radioactive waste;
- (k) the transportation of radioactive sources;
- (l) the storage of radioactive materials and sources;
- (m) radiation safety requirements for different practices; and
- (n) any other matter required to be prescribed under this Act.

### **73. Guidelines**

The Council may issue directions, guidelines, codes and standards for the better carrying into effect of this Act.

### **74. Power to amend Schedules**

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

(2) The Minister may, by statutory instrument, amend Schedule 2 to this Act.

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**SCHEDULES***Schedule 1*

Sections 2, 74(1)

**Currency Point**

A currency point is equivalent to twenty thousand shillings.

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*Schedule 2 Meetings*

Sections 9, 74(2)

**of Council****1. Meetings of Council**

(1) The Chairperson shall convene every meeting of the Council at a time and place as the Council may determine, and the Council shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Council.

(3) The Chairperson shall call a meeting within fourteen days, if requested to do so in writing by two members of the Council.

(4) Except for a meeting referred to in subparagraph (2), notice of a Council meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

**2. Quorum**

(1) The quorum for a meeting of the Council is three members.

(2) All decisions at a meeting of the Council shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

**3. Minutes of meetings**

(1) The Secretary shall cause to be recorded and kept, minutes of all meetings of the Council in a form approved by the Council.

(2) The minutes recorded under this paragraph shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson and the Secretary in the presence of the members present at the latter meeting.

**4. Common seal of Council**

(1) The common seal of the Council shall be in a form determined by the Council.

(2) The common seal shall, when affixed to any document, be authenticated by the signatures of the Secretary and one member of the Council.

(3) In the absence of the Secretary, the person performing the functions of the Secretary shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Council by the Secretary, or by any member of the Council or any other person if that member or other person has been duly authorised by resolution of the Council to execute the instrument or enter into the contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Council in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

**5. Power to co-opt**

(1) The Council may invite any person who, in the opinion of the Council, has expert knowledge concerning the functions of the Council, to attend and take part in a meeting of the Council.

(2) A person attending a meeting of the Council under this paragraph may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

#### **6. Validity of proceedings not affected by vacancy**

The validity of any proceedings of the Council or a committee of the Council shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled took part in its proceedings.

#### **7. Disclosure of interest of members**

(1) A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, or in any other matter which falls to be considered by the Council, shall disclose the nature of his or her interest at a meeting of the Council.

(2) Disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

- (a) be present during any deliberation of the Council with respect to that matter; or
- (b) take part in any decision of the Council with respect to that matter.

(4) For purposes of determining whether there is quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

#### **8. Service of documents**

A notice or other document may be served on the Council by delivering it to the Office of the Secretary, or by sending it by prepaid registered post addressed to the Secretary.

**9. Council may regulate its procedure**

Subject to this Act, the Council may regulate its own procedure or any other matter relating to its meetings.

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**History:** Act 24/2008; S.I. 5/2009

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