

ACT

Supplement to the Sierra Leone Gazette Vol. CXLIII, No. 42 *dated 23rd August, 2012*

THE NUCLEAR SAFETY AND RADIATION PROTECTION ACT, 2012

ARRANGEMENT OF SECTIONS

PART I-PRELIMINARY

Section

1. Interpretation.
2. Application of Act.

PART II--ESTABLISHMENT OF THE NUCLEAR SAFETY AND RADIATION PROTECTION AUTHORITY

3. Establishment of the Nuclear Safety and Radiation Protection Authority.
4. Common seal.

PART III-FUNCTIONS AND POWERS OF AUTHORITY

5. Functions and Powers of Authority.

PART IV-INSPECTION AND ENFORCEMENT

6. Appointment of Inspectors.
7. Powers of Inspectors.
8. Report of Inspectors.
9. Cessation of activities.
10. Enforcement regimes

PART V-FUNDS OF AUTHORITY

11. Funds of Authority.
12. Accounts and audit of Authority.
13. Financial year of Authority.
14. Annual report.

PART VI -BOARD OF AUTHORITY

15. Board of Authority
16. Tenure of members.
17. Meetings of Board.
18. Disclosure of Interest

19. Immunity of members of Board, etc.
20. Committees of Board.
21. Functions of Board.
22. Remuneration of members.
23. Filling of vacancies.

PART VII-STAFF OF THE AUTHORITY

24. Chief Radiation Protection Officer and Executive-Secretary
25. Functions of Executive-Secretary.
26. Other staff of Authority.
27. Secondment of public officers.
28. Protection of staff

PART VIII-LICENSING AND RELATED PROVISIONS

29. Control of nuclear materials
30. Licence.
31. Application for licence.
32. Export licence.
33. Import licence
34. Renewal of licence.
35. Licence fee.
36. Fresh application
37. Variation, suspension or revocation of licence.
38. Appeals
39. Death of Licensee

PART IX-DUTIES OF LICENSEE

40. Duties of licensee.

PART X-IMPLEMENTATION OF SAFEGUARDS

41. Co-operation
42. Accounting and control of nuclear materials

PART XI -MISCELLANEOUS

43. Power to give directions.
44. Categories of radioactive substances
45. Confidentiality.
46. Offences
47. Transitional Provisions.
48. Regulations.
49. Repeal.

SIGNED this 19th day of July, 2012.

DR. ERNEST BAI KOROMA,
President.

No. 7



2012

Sierra Leone

LS

**THE NUCLEAR SAFETY AND RADIATION
PROTECTION ACT, 2012**

Short title.

Being an Act to provide for the establishment of the Nuclear Safety and Radiation Protection Authority to exercise regulatory and supervisory control for the beneficial and peaceful uses of radioactive substances and their applications, including licensing, inspection and enforcement throughout Sierra Leone; to provide adequate protection to the public, workers and the environment against the harmful effects of ionizing radiation; to provide for Sierra Leone to meet its obligations under relevant international treaties, in particular, the Treaty on Non-Proliferation of Nuclear Weapons and the Agreement between Sierra Leone and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Non-Proliferation Treaty; to provide for the establishment of the Radiation Protection Board as the governing body of the Authority and for other related matters

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1–PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

“activity” means the design, manufacture, construction, import, maintenance, repair, transfer, decommissioning or possession of radiation sources for industrial, education, research, agriculture and medical purposes;

“atomic energy” means any type of energy emitted from radioisotopes, nuclear reaction, x-ray equipment or other radiation generators emitting ionizing radiation;

“Authority” means the Nuclear Safety and Radiation Protection Authority established by section 3;

“Board” means the Radiation Safety and Radiation Protection Board established by section 15;

“Chairman” means the Chairman of the Board appointed under subsection (2) of section 15;

“Chief Radiation Protection Officer” means the person appointed under section 24;

“Code of Practice” means a collection of instructions for the handling and use of nuclear materials, equipment and various sources of ionizing radiation formulated by the Board;

“contamination” means, in relation to a substance or article, the absorption and mixture or adhesion of radioactive material or radioactive waste so as to become radioactive;

“court” means the High Court of the Republic of Sierra Leone;

“Convention on the Physical Protection of Nuclear Material” (CPPNM) means the convention on Physical Protection Nuclear Material entered into force on 8th February, 1987;

“Design Basis Threat (DBT) means a set of adversary characteristics for which operators and state organisations together have protection responsibly and accordability;

“discharge” means planned and controlled release into the environment, as a legitimate practice, within limits authorized by the Authority, liquid or gaseous radioactive materials that originate from regulated nuclear facilities during normal operation;

"disposal" in relation to waste, includes its removal, deposit or destruction, discharge, whether into water or into the air, into a sewer or drain or otherwise, or burial, whether underground or otherwise;

"Executive-Secretary" means the Executive-Secretary of the Authority appointed under section 24;

"exemption" means any declaration -

- (a) by the Nuclear safety and Radiation Protection Authority 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 the source or practice is too small to warrant the application of those aspects; or

- (b) by the IAEA of certain nuclear material need not be subject to the application of safeguards;

"exemption level" means -

- (a) a quantity of radioactivity below 3.7 kilo Becquerel per gram;
- (b) a specific radioactivity below 74 Becquerel per gram;

"export" means the physical transfer into an exporting state or to a recipient of an importing state, originating from an exporting state, of nuclear and other radioactive materials, including sources;

"facility", means irradiation installations, mining and milling facilities, waste management facilities and any other place where radioactive materials are produced, processed, used, handled, stored or disposed of or where radiation generators are installed on such a scale that protection and safety is required;

"Government" means the Government of Sierra Leone;

"IAEA" means the International Atomic Energy Agency;

"import" means the physical transfer, into an importing state or to a recipient of an importing state, originating from an exporting state, of nuclear and other radioactive materials, including sources;

"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;

"ionizing radiation" means gamma rays, x-rays or corpuscular radiation which is capable of producing ions directly or indirectly;

"irradiating device" means an apparatus capable of producing ionizing radiation;

"licence" means a licence issued by the Authority, on the basis of a safety assessment and accompanied by specific requirements and conditions to be complied with by the licensee under this Act;

"licensee" means a holder of a valid licence issued by the Authority under this Act;

"member" means a member of the Board;

"Minister" means the Minister responsible for energy;

"monitoring" means the measurement of dose or contamination for reasons related to the assessment or control of exposure to radiation or radioactive substances and the interpretation of the results;

"Non-ionizing radiation" means any type of electromagnetic radiation that does not carry enough energy per quantum to ionize atoms or molecules;

"nuclear material" for the purpose of the application of International Atomic Energy Agency safeguards, means any special fissionable material or source material as defined in the Safeguards Agreement between Sierra Leone and the International Atomic Energy Agency;

"N.P.T." means Non-Proliferation Treaty

"operator" means any organization or person that is authorized or responsible for nuclear radiation or radioactive waste, or transport safety, when undertaking activities or in relation to any nuclear facilities or sources of ionizing radiation, including private individuals, governmental bodies, consignees or carriers, licensees and hospitals;

"orphan source" means a radioactive substance which is not under regulatory control, either because it has never been under regulatory control or because it is abandoned, lost, misplaced, stolen or transferred without proper authorisation;

"practice" means an activity that introduces additional sources of exposure, or extends exposure to additional people, from the existing source, so as to increase the exposure or the likelihood of exposure or the number of people exposed;

"premises" includes any land, whether covered by building or not, any place underground and any land covered by water;

"Protection from Radiation Board" means the Protection from Radiation Board, including the Secretariat of the Board, established under section 2 and section 6 respectively, of the Protection from Radiation Act, 2001;

"public" means any person not designated as a radiation worker;

"radiation" means ionizing radiation;

"radiation protection" means the task of protecting radiation workers and the public from unnecessary exposure, by the accurate measurement of radiation and the design and use of methods to reduce radiation;

"Radiation Protection Officer" means a person who is technically competent in radiation protection matters relevant for a given type of practice who is designated by the Authority to oversee the application of the requirements of the standards;

"Radiation Safety Officer" means a person appointed as such under clause (ii) of subsection (2) of section 40;

"radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded in a solid form and which is not exempt from regulatory control and includes any radioactive material released through the breakage or leaking of such source but does not include nuclear material or material encapsulated for disposal;

"radiation worker" means a person whose work potentially exposes him to ionizing radiation above the exemption level that may cause risk or disability or disease as a result of exposure;

"radioactive material" means any material emitting ionizing radiation of sufficient intensity to entail significant risk of disability or disease as a result of exposure;

"radioactive substance" means a substance that contains one or more radionuclide of which the activity or the concentration cannot be disregarded as far as radiation protection is concerned;

"radioactive waste" means material, in whatever physical form, remaining from practices or interventions and for which no further use is foreseen and exposure to which is not excluded from this Act;

"radiological emergency" means an emergency in which there is or is perceived to be a hazard due to-

- (a) the energy resulting from a nuclear chain reaction or from the decay of the products of a nuclear chain reaction; or
- (b) radiation exposure.

"radiological work" means work involving the user of radioactive materials or other radiation generator or sources capable of emitting ionizing radiation;

"Safeguards Agreement" means the Agreement between Sierra Leone and the International Atomic Energy Agency for the Application of Safeguards in connection with the NPT and the Treaty of Pelindaba which was signed on 10th November 1977 and any Protocols thereto;

"safety" means the protection of people and the environment against radiation risk and activities that give rise to radiation risk;

"sealed source" means a radiation source consisting of radioactive substance enclosed in enclosures or arranged in such a way that there is no risk of the substance being berated or becoming accessible to direct contact during normal use;

"security" means the prevention and detection of, and response to theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear or other radioactive material, related equipment and associated facilities;

"source of ionizing radiation" means any apparatus, equipment, appliance or any material which is capable of emitting ionizing radiation;

"transport" means all operations and conditions associated with and involved in the movement of nuclear and other radioactive materials, including the design, manufacture, maintenance and repair of packaging and the preparation, consigning, loading, carriage, in-transit storage, unloading and receipt at the final destination of such loads, material and packages;

"unsealed source" means a source that does not meet the definition of a sealed source.

2. This Act shall apply to every source of ionizing radiation above the exemption level other than- Application of Act.

- (i) radioactive substances found in nature; and
- (ii) sealed sources or any apparatus or devices containing a sealed source where the dose rate at 10 cm from the source does not exceed 1 micro sivert per hour and the source activity does not exceed the exemption level.

PART II—ESTABLISHMENT OF THE NUCLEAR SAFETY
AND RADIATION PROTECTION AUTHORITY

Establishment
of Nuclear
Safety and
Radiation
Protection
Authority.

3. (1) There is hereby established a body to be known as the Nuclear Safety and Radiation Protection Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

Common
seal.

4. (1) The Authority shall have a common seal, the use of which shall be authenticated by the signature of-

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board for that purpose; and
- (b) the Executive-Secretary or some other person authorised by the Board for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Authority and to be sealed with the common seal of the Authority authenticated in the manner stated in subsection (1), shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

PART III—FUNCTIONS AND POWERS OF AUTHORITY

5. (1) The object for which the Authority is established is to regulate, control and supervise the acquisition, importation, exportation, use, transportation and disposal of radioactive substances and devices emitting ionizing radiation . Functions
and powers of
Authority.

(2) Without prejudice to the generality of subsection (1), the Authority shall have the following functions and powers-

- (i) to issue, amend, suspend or revoke licences and set Code of Practice for practices and activities involving ionizing radiation for the beneficial and peaceful purposes;
- (ii) to define the obligations of licensees including financial arrangements, to be met as a condition for conducting activities or practices involving ionizing radiation for the beneficial and peaceful purposes;
- (iii) to establish a schedule of charges for licensing of activities or practices involving ionizing radiation for the beneficial and peaceful purposes in accordance with financial rules and procedures of Sierra Leone;
- (iv) regulate the exploration, mining and milling of radioactive ores and other ores associated with the presence of radioactive substances;

- (v) to inspect, monitor and assess activities and practices for the purpose of verifying compliance with this Act and conditions of licences and consequently take enforcement measures in the event of non compliance or violation of this Act or conditions of licences to ensure that corrective actions are taken if unsafe or potentially unsafe conditions are detected at any location where activities involving ionizing radiation are conducted and if necessary, receive for that purpose, the assistance of the national law enforcement agencies;
- (vi) to confirm the competence of personnel responsible for the safe operation of a facility, activity or practice involving ionizing radiation;
- (vii) to obtain the advice or views of experts necessary for the performance of its functions through the hiring of consultants, contracting of specific projects or the establishment of permanent or *ad hoc* advocacy bodies;
- (viii) to define the limits of exposure to persons, of ionizing radiation that are not otherwise regulated by this Act;
- (ix) to establish and maintain, in cooperation with other governmental bodies, a system of control for the export and import of nuclear and other radioactive materials, sources, equipment and

- information technology necessary for the effective exercise of its functions under this Act;
- (x) to participate in the definition of the Design Basis Threat for the implementation of security provisions;
- (xi) to communicate directly with other governmental authorities in all circumstances it considers necessary for the effective exercise of its functions under this Act;
- (xii) to cooperate with other governmental or non-governmental bodies having competence in such areas such as health and safety, environmental protection, security and transportation of dangerous goods;
- (xiii) to establish appropriate mechanisms and procedures for informing the public, media and other stake-holders about the regulatory process and the safety and security aspects of regulated activities and practices, including incidents, accidents and abnormal occurrences;
- (xiv) to obtain information, documents and opinions from private and public organizations or persons as may be necessary and appropriate for the conduct of its functions;
- (xv) to provide training, information and guidance on nuclear safety, security and radiation protection;

- (xvi) to cooperate with the International Atomic Energy Agency in the application of safeguards in accordance with the Safeguards Agreement and any protocols thereto between Sierra Leone and the International Atomic Energy Agency including conducting inspections and providing any assistance or information required by designated IAEA inspectors in the fulfillment of their responsibilities;
- (xvii) to do everything necessary to ensure that all concerned persons and bodies comply with laid down regulations under this Act.

PART IV –INSPECTION AND ENFORCEMENT

Appointment
of Inspectors.

6. (1) The Authority shall appoint Inspectors to verify practices and facilities licensed or proposed to be licensed under this Act.

(2) No person shall be appointed as an Inspector unless he has formal qualification, extensive knowledge and experience relevant to the the functions of an Inspector under this Act.

(3) Every Inspector shall have appropriate identification indicating his legal status.

Powers
of Inspectors.

7. An Inspector appointed under section 6 may, for the purposes of this Act -

- (a) enter, without hindrance, at any time during normal working hours, into any premises, vehicle, ship or aircraft to which this Act

applies, with such equipment as the circumstances may require for the performance of his duty under this Act;

- (b) inspect any plans, drawing, record, register or documents pertaining to:
 - (i) the design, siting, construction, testing, development operation, activity or abandonment of an installation;
 - (ii) the health and safety, security or environmental aspect of any activity covered by this Act;
 - (iii) any matter relevant to the enforcement of this Act.
- (c) carry out tests and take samples, measurements and photographs of any facility relevant to the enforcement of this Act;
- (d) request the occupant or operator of any premises, vehicle, ship or aircraft or any person who has duties on or in connection with any premises, vehicle, ship or aircraft relevant to the enforcement of this Act, to provide him with such information relating to the premises, vehicle, ship or aircraft as he may require;
- (e) obtain information about the status of radiation safety and security of radiation sources, nuclear materials and any other radioactive material;

- (f) verify compliance with the provisions of this Act;
- (g) investigate any incident or accident involving radiation sources, nuclear materials and any other radioactive materials;
- (h) question any person who has duties relating to the possession and use of radioactive materials;
- (i) make an order for a temporary cessation of activities of any facility relevant to the enforcement of this Act, in case of imminent hazard or potential hazard to the public or the environment.

Report
of Inspectors

8. (1) Every inspection or investigation conducted by an Inspector under this Act, shall be recorded and submitted to the Authority for necessary or appropriate action.

(2) Every record of an inspection or investigation conducted by an Inspector under subsection (1), shall be made available to the relevant officials and authorised persons.

Cessation
of activities.

9. (1) Where a situation poses an imminent safety or security hazard involving radiation sources, nuclear materials and any other radioactive materials to the public or the environment, the Authority shall order an immediate cessation of all activities and ensure the restoration of safety and security.

(2) Where there is a persistent or serious breach of the provisions of this Act, or the conditions of a licence issued under this Act, the Authority shall order an immediate cessation of any operation to which the licence relates and may also modify, suspend or revoke the licence.

(3) Where there is a significant release of nuclear or radioactive material to the environment, the Authority shall order -

- (a) an immediate cessation of any operation to which a licence relates and may suspend or revoke that licence; and
- (b) that the operator rectify any unsafe conditions.

(4) The Authority shall develop guidelines for the implementation of enforcement actions.

10. The Authority shall establish enforcement regimes for the imposition of fines or the revocation, suspension, modification of licences or prohibition from possessing nuclear material or radiation source for non-compliance with this Act. Enforcement regimes.

PART V—FUNDS OF AUTHORITY

11. (1) The activities of the Authority shall be financed by funds consisting of— Funds of Authority.

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Authority;
- (b) all other moneys which may, from time to time, accrue to the Authority in the course of its activities.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

12. (1) The Authority shall keep proper books of account and other records in relation to the activities, property and finances of the Authority in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include:— Accounts and audit of Authority.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Authority kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1), and shall, in his report draw attention to-

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

Financial year
of Authority.

13. The financial year of the Authority shall be the same as the financial year of the Government.

14. (1) The Authority shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. ^{Annual report.}

(2) The annual report shall include the accounts and annual financial statement prepared under section 8 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Authority shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI—BOARD OF AUTHORITY

15. (1) The governing body of the Authority shall be a Board to be known as the Nuclear Safety and Radiation Protection Board, in which shall be vested, subject to this Act, the control and supervision of the Authority. ^{Board of Authority.}

(2) The Board shall consist of a Chairman and the following other members -

- (a) Financial Secretary, Ministry of Finance;
- (b) the Permanent Secretary, Ministry of Energy and Water Resources;
- (c) the Inspector-General of Police;
- (d) the Director, Sierra Leone Environmental Protection Agency, Ministry of Lands, Housing and the Environment;

- (e) the Director, Standards Bureau, Ministry of Trade and Industry;
- (f) the Solicitor-General;
- (g) the National Security Adviser, Office of National Security-Disaster Management;
- (h) the Director of Mines, Ministry of Mineral Resources;
- (i) the Director-General, National Revenue Authority; and
- (j) the Executive-Secretary and Chief Radiation Protection Officer of the Authority who shall be ex-officio and Secretary to the Board.

(3) The Chairman shall be—

- (a) the Dean of a faculty of Sciences of a recognised university in Sierra Leone; or
- (b) a holder of such qualifications as are required for appointment as a Professor in a Faculty of Sciences of a recognised university in Sierra Leone,

appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament.

Tenure of members.

16. (1) The Chairman shall hold office for a term of three years and shall be eligible for re-appointment, not exceeding two terms.

(2) A person shall cease to be a member of the Board on any of the following grounds—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

17. (1) The Board shall meet for the dispatch of its business at least once every three months and at such time and place as the Chairman may determine. ^{Meetings of Board.}

(2) The Chairman shall preside over every meeting of the Board, if present, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be five.

(6) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(7) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(8) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(9) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of Interest.

18. (1) No person with a personal interest in activities or practices regulated by the Authority shall be a member of the Board.

(2) A person appointed or nominated to be member of the Board shall disclose in writing his personal interests or otherwise in activities or practices regulated by the Authority.

(3) A member of the Board who contravenes subsections 1 and 2 shall be guilty of misconduct and shall be liable to be removed from the Board.

19. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or committed to be done in good faith in the exercise of his functions under this Act.

Immunity of members Board, etc.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority

20. (1) The Board may, for the discharge of its functions, appoint one or more technical advisory committees to perform such functions as the Board may determine.

Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive-Secretary, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

21. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper technical and financial management of the Authority.

Functions of Board.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

Remuneration
of members.

22. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (1) of section 20 shall be paid such remuneration, fees and allowances as the Minister may, after consultation with the Minister of Finance, determine.

Filling of
vacancies.

23. (1) Where the Chairman dies, or resigns, or is removed from office or is out of Sierra Leone for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months-

- (a) the members of the Board shall, as the case may be, elect one of their member to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART VII—STAFF OF THE AUTHORITY

Chief
Radiation
Protection
Officer and
Executive-
Secretary.

24. (1) There shall be a Chief Radiation Protection Officer and Executive-Secretary of the Authority appointed by the Board upon such terms and conditions as the Board may determine.

(2) The Chief Radiation Protection Officer and Executive-Secretary appointed under subsection (1), shall be a person of proven integrity and shall have such post-graduate qualification in radiation

protection and nuclear security as well as proven experience in the establishment and management of a radiation protection infrastructure at national level.

25. (1) The Executive-Secretary shall be responsible to the Board for the performance of the following-

Functions of
Executive-
Secretary.

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Authority;
- (b) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Authority;
- (c) to monitor and supervise the preparation of the annual budget and reports of the Authority for the review and approval of the Board;
- (d) to oversee the work and discipline of the other staff of the Authority;
- (e) to carry out such other functions as may be assigned by the Board if necessary for the purposes of the Authority; and
- (f) to serve as Secretary to the Board.

(2) The Authority may delegate to the Executive-Secretary, for the effective administration of the Authority-

- (a) the power to establish Departments for the operations of the Authority, headed by a Department Head, performing specified functions assigned by the Executive-Secretary;

- (b) the power to appoint such grade or categories of staff as the Authority may require;
- (c) the power to enter into agreement with any independent body or agency for the purpose of carrying out the functions of the Authority.

Other staff of Authority.

26. (1) The Authority shall have, in addition to the Executive-Secretary, other staff including a Deputy Executive-Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Authority.

(2) The Deputy Executive-Secretary, the Finance Officer and the other staff of the Authority shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

Secondment of public officers.

27. Public officers may at the instance of the Authority, be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority.

Protection of staff.

28. No officer or employee of the Authority or any person acting on the directions of an officer or employee of the Authority shall be liable in respect of any matter or thing done by him in good faith under this Act.

PART VIII—LICENSING AND RELATED PROVISIONS

Control of Nuclear materials.

29. The Authority shall adopt all necessary measures including a system of licensing, to control the export and import, re-export, transit and transshipment of any nuclear material, equipment or technology in order to protect the safety and security of Sierra Leone.

Licence.

30. (1) No person shall-

- (i) manufacture or produce;
- (ii) possess or use;
- (iii) import or cause to be imported;
- (iv) export or cause to be exported
- (v) administer or cause to be administered;
- or
- (vi) dispose of, lease or deal in,

any radioactive substance or device emitting ionizing radiation unless that person holds a licence issued by the Authority under this Act.

31. (1) A person who requires a licence under this Act shall make a written application to the Authority in such form as may be prescribed. Application for licence.

(2) A person applying for a licence under subsection (1), shall submit with the application-

- (a) an assessment of the nature of the radioactive substance or device emitting ionizing radiation and the magnitude and likelihood of exposure attributed to the substance or device;
- (b) a description of the installation or practice;
- (c) a safety impact assessment for the protection of workers and the public;
- (d) all relevant information to support the application; and
- (e) the prescribed fee.

(3) On receipt of an application under subsection (2), the Authority, may—

- (a) make such inquiry and consult such persons or authority as it may deem necessary to ascertain whether the applicant has the proper personnel or appropriate facilities required to operate or safely install, use or store the radioactive substance or device emitting ionizing radiation and is a fit and proper person to be granted a licence under this Act;
 - (b) cause a notice of the application for the licence to be published in the gazette or any other medium as may be prescribed; and
 - (c) consider any written notice of objection or other representation made in relation to such application.
- (4) Any licence issued under this section shall-
- (a) be in the prescribed form;
 - (b) authorize the licensee to undertake such activity as may be specified therein;
 - (c) contain such terms and conditions as the Authority may think necessary for the safe use or disposal of radioactive substance or devices emitting ionizing radiation; and
 - (d) be valid for twelve months from the date of issue or for such period as the Authority may determine.

Export
licence.

32. The Authority shall not grant a licence to export any nuclear material, equipment or technology that is subject to control unless-

- (a) the receiving state has made a binding commitment that level of physical protection that will apply to the exported material will be consistent with those set forth in the Convention of the Physical Protection of Nuclear Material; and
- (b) the applicant has provided information on the end use and end user of the nuclear material, equipment or information that confirms the legitimate peaceful use of such material, item or information.

33. The Authority shall not grant a licence to import any nuclear material, equipment or technology identified by the Authority as subject to control unless-

Import
licence.

- (i) the nuclear material, equipment or technology to be imported is not otherwise prohibited by any law;
- (ii) the designated recipient of any imported material, equipment or technology has been issued the appropriate licence;
- (iii) the end user of the imported material, equipment or technology has the demonstrated technical and adminis-

trative capability and resources to use the imported material, equipment or technology in a safe and secure manner.

Renewal of licence.

34. (1) A person who wishes to renew a licence issued under this Act, shall make a written application to the Authority, in such form and within such period as may be prescribed .

(2) Upon receipt of an application under subsection (1), the Authority, may require the applicant to furnish any additional information that it considers relevant

Licence fee.

35. The Minister may, by statutory instrument, prescribe fees for licences issued under this Act.

Fresh application.

36. A fresh application for a licence shall be required in the case of—

- (a) a proposed use of different or significantly modified premises;
- (b) the proposed use of different radioactive substances or devices emitting ionizing radiation;
- (c) the proposed use of larger quantities of radioactive substances or devices emitting ionizing radiation; and
- (d) a change at the site of the premises or surroundings which is likely to affect radiation protection requirement.

Variation, suspension or revocation of licence.

37. (1) Subject to subsections (3), (4) and (5), the Authority may suspend or revoke a licence where it is satisfied that—

- (a) the licensee has contravened this Act or any regulations made under this Act;
- (b) the licensee has contravened a term or condition of his licence;
- (c) the licensee has given information to the Authority, which is false or misleading in any material particular; or
- (d) it is in the public interest to do so.

(2) Subject to subsections (3), (4) and (5) the Authority, may, of its own accord, vary the terms and conditions of a licence for the reasons specified in subsection (1).

(3) Where the Authority, proposes to vary the terms of a licence or suspend or revoke a licence under subsections (1) and (2), it shall give written notice of its intention to the licensee together with the reasons for doing so.

(4) The Authority, may in a notice under subsection (3), require the licensee to show cause in writing, within such time as may be specified in the notice, why the licence should not be revoked or varied.

(5) The Authority, shall, after considering the explanation of the licensee, inform in writing of its decisions and reasons thereof.

(6) Where the urgency of the matter so requires, the Authority, may forthwith suspend or revoke a licence on any ground specified in subsection (1).

(7) A suspension effected under subsections (1) and (6) shall, unless sooner revoked, lapse after thirty days.

- (8) Where a licence is suspended or revoked—
- (a) the licensee shall undertake such corrective measures as may be directed by the Authority; and
 - (b) the Chief Radiation Protection Officer may cause seals to be affixed at the licensee's premises or site, to any plant, installation and apparatus using radioactive substance or devices emitting ionizing radiation for which the licence was issued in such a way that the plant, installation or apparatus is incapable of being used without the seals affixed to them being broken.

Appeals.

38. (1) Any person who is aggrieved by the decision of the Authority, under section 36 may appeal to the Court against such decision.

(2) The Court may upon such appeal confirm, revoke or vary the decision appealed against and upon such terms and conditions as it may think fit

(3) An appeal under this section shall be made within one month from the date of the decision of the Authority.

(4) Where a person appeals to the Court under subsection (1), his licence shall be deemed to continue to be in force unless the Authority, decides otherwise on the grounds of public safety

Death of Licensee.

39. (1) Subject to subsection (2), where a licensee dies the licence shall forthwith terminate and any practice or activity governed by the licence shall cease.

(2) Where on notification of the death of a licensee a person acceptable to the Authority, agrees to take over the licence and continue the practice or activity, the licence shall remain valid for a period of three months after the death of the licensee and the person shall assume all the duties and obligations of a licensee under this Act.

PART IX – DUTIES OF LICENSEE

40. (1) The primary responsibility for safety and security shall remain with the licensee. Duties of licensee.

(2) Every licensee shall—

- (i) be responsible for ensuring that exposure to ionizing radiation resulting directly from his activity is kept as low as reasonably achievable;
- (ii) appoint a person experienced in radiation health and safety measures as Radiation Safety Officer; and
- (iii) take all reasonable steps to ensure that every person under his supervision or control complies with the requirements of this Act and any regulations made thereunder.

(3) The licensee and the Radiation Safety Officer shall ensure that—

- (i) all employees of the practice dealing with radioactive substance or material should be supplied with at least one monitoring device and any other protective accessories necessary to carry out radiological work with the lowest reasonably possible risk;

- (ii) radiation workers employed within the facility are given proper instructions on radiation safety measures and receive medical checkup at least every six months; and
- (iii) any other person within the facility is provided with at least one monitoring device and such other protective accessories as may be necessary

(4) The licensee, the Radiation Safety Officer or any other person involved in radiological work shall—

- (i) report to the Authority any case of overexposure to ionizing radiation not later than 24 hours after such an occurrence has taken place and fully comply with any emergency measures ordered by the Authority; and
- (ii) report to the Authority any loss, theft or diversion for authorised purposes of any radioactive material, radioactive substance, radioactive waste or radiation emitting equipment not later than 24 hours after such an occurrence has come to his knowledge.

(5) Every Licensee shall establish and submit an emergency intervention plan to the Authority for approval when applying for a licence in respect of any authorised practice or other activity which may result in radiation exposure to workers and members of the public

(6) The licensee of any radioactive material or his agent or employee shall provide assistance required by the Chief Radiation Protection Officer or an authorized officer for entry, inspection, examination, enquiry, the taking of samples or otherwise for the discharge of his functions under this Act.

PART X—IMPLEMENTATION OF SAFEGUARDS

41. (1) All agencies of the Government of Sierra Leone and Co-operation. licensees shall cooperate fully with the Authority in the implementation of the provisions of the IAEA Safeguards Agreement, including—

- (a) promptly providing information required under the Safeguards Agreement;
- (b) providing access to facilities and other locations as required by the Safeguards Agreement;
- (c) cooperating with and facilitating the performance of the Authority and IAEA inspectors in their tasks; and
- (d) rendering the necessary services as requested by the Authority and IAEA inspectors.

(2) Duly authorized representatives of the Authority and designated inspectors of the IAEA shall have access to any facility or other location provided for under the Safeguards Agreement, with a view to conducting the verification activities authorized by the Safeguards Agreement.

(3) Any person who performs any activity regulated by the Safeguards Agreement shall allow the Authority and duly designated inspectors of the IAEA to carry out any measures necessary or appropriate to achieve compliance by Sierra Leone with its undertakings under the Safeguards Agreement.

42. The Authority shall establish and implement, in accordance with the Safeguards Agreement—

Accounting and control of nuclear materials.

- (i) a system for the measurement of nuclear material;
- (ii) a system for the evaluation of measurement accuracy;
- (iii) procedures for reviewing measurement differences;
- (iv) procedures for carrying out physical inventories and losses;
- (v) a system for evaluation of unmeasured inventories;
- (vi) a system of records and reports for tracking nuclear material inventories and flows;
- (vii) procedures for ensuring that accounting procedures and arrangements are being operated, correctly; and
- (viii) procedures for reporting to the IAEA.

PART XI—MISCELLANEOUS

Power to give directions.

43. The Minister may give such direction of a general character to the Authority, not inconsistent with this Act, which he considers to be necessary in the public interest and the Authority shall comply with those directions.

Categories of radioactive substances.

44. The categories of radioactive substances and practices for the purposes of this Act shall be classified as follows-

- (a) category I - non uranium mines and mills having associated radioactive substances in concentration which can lead to significant radiation exposure to workers and the public;
- (b) category II - assemblies, nuclear power reactors, mining and milling of radioactive ores and other facilities of the nuclear fuel cycle;
- (c) category III - unsealed radiation sources used in medical diagnosis and therapy, agriculture, industry and research; and
- (d) category IV-x-ray, that is gamma-ray and other selected sources used in medical diagnosis and therapy.

45. Except in accordance with this Act or any order or proceeding thereunder, no person shall disclose information obtained under this Act. Confidentiality.

46. (1) Any person who— Offences.

- (a) willfully obstructs another person in the exercise of that person's duties under this Act;
- (b) without reasonable excuse fails to produce a licence or other document required to be produced by this Act;
- (c) willfully withholds any information relating to ownership or management required under this Act; or

- (d) willfully prevents or attempts to prevent any person from giving information relating to ownership or management required under this Act; or
- (e) gives information which he knows to be untrue or has no reason to believe to be true,

commits an offence and shall be liable on conviction to a fine not exceeding ten million Leones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Without prejudice to subsection (1), any person who contravenes any other provisions of this Act commits an offence and shall be liable on conviction to a fine not exceeding ten million Leones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Where an offence under this Act is committed by a body corporate, that offence shall be deemed to have been committed by every director, corporate secretary or manager of the body corporate unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

(4) Where an offence under this Act is committed by a partnership or 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 proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

(5) The Court may, in addition to any punishment imposed for an offence under this Act, order the forfeiture of any irradiating device or radioactive material by which an offence is committed and shall determine the manner of disposal of the device or material.

47. (1) There is hereby transferred to the Nuclear Safety and Radiation Protection Authority, without more, the staff, property and other assets of the Protection from Radiation Board, which shall cease to exist in that name in the coming into force of this Act. ^{Transitional provisions.}

(2) All rights, obligations and responsibilities of the Protection from Radiation Board are hereby transferred to the Authority.

(3) Any person who at the commencement of this Act has in his possession, custody or control of any radioactive material, radioactive substance or radiation generator shall submit to the Authority an application for a licence under section 31, not later than three months after the commencement of this Act.

48. (1) The Minister may, by statutory instrument, make regulations prescribing the form and content of licences under this Act and the procedures for their issue, renewal, suspension and revocation and generally, for giving effect to this Act. ^{Regulations.}

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations to establish requirements for activities relating to—

- (a) mining and processing operations involving materials that are likely to pose health and safety risks from exposure to ionizing radiation;

- (b) construction or operation of any nuclear facility including the maintenance, expansion, alteration or any activity relating to the site and structure of such facility
- (c) transportation, handling, storage and use of radioactive materials, radioactive substances and radioactive generators;
- (d) radioactive waste management, methods of disposing radioactive waste, classification of radioactive waste and for the prescription of measures for the protection of the environment from the disposal of radioactive waste;
- (e) exportation and importation of radioactive materials, radioactive substances including -
 - (i) list of material, equipment and technology requiring licensing;
 - (ii) periodic revision of lists of controlled items to reflect developments in technology or changes in relevant circumstances;
 - (iii) criteria for the evaluation of an application and the issuance of licence;
 - (iv) end-users' control;
 - (v) notification prior to shipment of exports where such notification has been determined as necessary;

- (vi) schedules of licence fees;
- (vii) transshipment of material or commodities otherwise not requiring licensing for export;
- (f) precautions to be taken to prevent injury by ionizing radiation to the health of persons employed in places where irradiating devices or radioactive materials are manufactured, stored or disposed of or of persons likely to be exposed to harmful radiation;
- (g) precautions to be taken to prevent injury by the transportation of irradiating devices or radioactive materials to the health of persons engaged therein and other persons;
- (h) manner in which and the conditions subject to which irradiating devices or radioactive materials may be stored or used;
- (i) making of returns by owners and persons in possession of irradiating devices, radioactive materials or other sources of ionizing radiation giving such details as may be required;
- (j) prescription of measures for the registration of workers exposed to radiation in the normal course of their work;
- (k) levying of fees and charges for licence and technical activities of the Authority;

- (l) prescription of any other matter for the purposes of this Act;
- (m) safety and security of radiation sources;
- (n) naturally occurring radioactive materials; and
- (o) food monitoring for radiation contamination.

Repeal of Act No. 14 of 2001. **49.** The Protection from Radiation Act, 2001 is hereby repealed.

Passed in Parliament this *21st* day of *June*, in the year of our Lord two thousand and twelve.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.