

**THE ATOMIC ENERGY BILL, 2024**

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A bill for an Act

ENTITLED

**THE ATOMIC ENERGY ACT, 2024**

An Act to repeal and replace the Atomic Energy Act, 2008 to provide for the comprehensive framework for the regulation of safe, secure and peaceful utilisation of atomic energy; to continue in existence 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 possession, import and export of controlled material; to provide for the transfer of nuclear material and radioactive material; to provide for the management of mining and processing of nuclear fuel resources; 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 the production and use of radiation sources and the management of radioactive waste; to provide for the management of spent nuclear fuel and radioactive material; to provide for the decommissioning of nuclear facilities; to provide for the regulation of transport of nuclear and radioactive material; to provide for nuclear safety, nuclear security, safeguards and prohibitions; to provide for compliance with international safety requirements for the use of ionising radiation, radiation protection and security of radioactive sources; to provide for nuclear liability and radiation protection; to strengthen the Atomic Energy Council; to provide for the establishment of the Uganda National Nuclear Company and for related matters.

BE IT ENACTED by Parliament as follows:

PART I- PRELIMINARY

**1. Commencement**

This Act shall come into force on a date to be appointed by the Minister by statutory instrument, and different days may be appointed for the commencement of different provisions.

**2. Application**

(1) This Act applies-

- (a) to every person whose practice involves or includes the production, processing, handling, use, holding, storage, transport, possession, import and export of controlled material, the transfer of nuclear material, spent nuclear fuel, radioactive waste and radioactive material, decommissioning or disposal of natural and artificial radioactive material, and devices emitting ionising radiation;
- (b) to any other practice which involves a risk of harm arising from ionising radiation or a radioactive source;

(c) to nuclear facilities and other facilities which serves purposes of or perform functions in the course of which ionising radiation is created or is capable of being created; and

(d) to all situations involving exposure or the potential for exposure to ionising radiation, except those which are excluded from the Standards in accordance with this Act.

(2) This Act does apply to a practice or a source within a practice which is exempted by the Council under section 35 from the requirements of the Standards where 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 by regulations made under this Act.

(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.

### 3. 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 the granting of consent 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 35 (2);

“authorised person” means a person issued an authorisation under section 35;

“certificate of registration” means a certificate issued under section 54 (3);

“controlled material” means goods, software and technology for which safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons is applicable;

“Council” means the Atomic Energy Council continued by section 4;

“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 and restoration of the environment;

“designated inspector” means a person designated as an inspector under section 20;

“designated person” means a person designated by the Council to perform a duty or carry out a specific role under this Act;

“existing exposure situation” means a situation of exposure that exists when a decision on the need for control needs to be taken, and includes-

- (a) exposure to natural background radiation that is amenable to control;
- (b) exposure due to residual radioactive material that derives from past practices that were never subject to the regulatory control; and
- (c) exposure due to residual radioactive material deriving from a nuclear or radiological emergency after an emergency has been declared;

“disposal” means the placement of spent fuel or radioactive waste in an appropriate facility without the intention of retrieval;

“disused source” means a radioactive source that is no longer in use, and is not intended to be used, for the practice for which an authorisation has been granted;

“emergency” means a non-routine situation or event that necessitates prompt action, primarily to mitigate a hazard or adverse consequences for human life, health, property and the environment;

“exclude” means the deliberate exclusion of a particular type of exposure from the scope of an instrument of regulatory control on the grounds that it is not considered amenable to control through the regulatory instrument in question;

“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 state or condition of being subject to irradiation; and includes acute exposure received within a short period of time, external exposure to radiation from a source outside the body, internal exposure to radiation from a source within the body, and transboundary exposure of members of the public in one State due to radioactive material released via accidents, discharges or waste disposal in another State;

“facilities” includes nuclear facilities, irradiation installations; applicable mining and raw material processing facilities including uranium mines; radioactive waste management facilities; and any other places where radioactive material is produced, processed, used, handled, stored or disposed of;



“hazard” means the potential for harm or other detriment, especially for radiation risks; a factor or condition that might operate against safety;

“high risk” means practices that attract above the usual or average amount level of radiation as may be determined by Council;

“incident” means any unintended event which under slightly different circumstances, could have resulted in harm to people, damage to property or loss of process;

“IAEA” means the International Atomic Energy Agency;

“inspection” means a set of activities-

- (a) carried out by the Council for the purposes of verifying compliance with the provisions of this Act; or
- (b) carried out by the IAEA inspectors at a facility or a location to verify that the nuclear material subject to safeguards remains in peaceful nuclear activities or is otherwise adequately accounted for;

“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;

“justification” means-

- (a) the process of determining for a planned exposure situation whether a practice is, overall, beneficial; that is, whether the expected benefits to individuals and to society from introducing or continuing the practice outweigh the harm, including radiation detriment resulting from the practice; and
- (b) the process of determining for an emergency exposure situation or an existing exposure situation, whether a proposed protective action or remedial action is likely, overall, to be beneficial; that is, whether the expected benefits to individuals and to society, including the reduction in radiation detriment from introducing or continuing the protective action or remedial action outweigh the cost of such action and any harm or damage caused by the action;

“limit” means the value of a quantity used in specified activities or circumstances that must not be exceeded;

“low risk” means practices that attract below the usual or average amount level of radiation as may be determined by Council;

“member of the public” means for purposes of protection and safety, in a general sense, any individual in the population except when subject to occupational exposure or medical exposure, and who is the representative person for the purpose of verifying compliance with the annual dose limit for public exposure;

“Minister” means the Minister responsible for atomic energy;

“Ministry” means the Ministry of Energy and Mineral Development;

“moderate risk” means practices that are considered by Council to attract reasonable amounts of radiation;

“monitoring” means the measurement of a dose, dose rate or activity for reasons relating to the assessment or control of exposure to radiation or exposure due to radioactive substances, and the interpretation of the results;

“notification” means a document submitted to the Council by a person or organisation to notify an intention to carry out a practice or other use of a source;

“nuclear accident” means any accident involving facilities or activities from which a release of radioactive material occurs or is likely to occur, and which has resulted or may result in an international significant transboundary release that could be of radiological safety significance for another State;

“nuclear damage” means -

- (a) loss of life, any personal injury or any loss of, or damage to property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste in, or of nuclear material coming from, originating in, or sent to, a nuclear installation;
- (b) any other loss or damage so arising or resulting if and to the extent that the law of the competent court so provides; and
- (c) if the law of the Installation State so provides, loss of life, any personal injury or any loss of, or damage to, property which arises out of or results from other ionizing radiation emitted by any other source of radiation inside a nuclear installation;

“nuclear facility” means a facility, including associated buildings and equipment, in which nuclear material is produced, processed, used, handled, stored or disposed of;

“nuclear fuel” means fissionable nuclear material in the form of fabricated elements for loading into the reactor core of a civil nuclear power plant or research reactor;

“nuclear fuel cycle” means all operations associated with the production of nuclear energy including-

- (a) mining and processing of uranium ores or thorium ores;
- (b) enrichment of uranium;
- (c) manufacture of nuclear fuel;

- (d) operation of nuclear reactors including research reactors;
- (e) reprocessing of spent nuclear fuel;
- (f) all waste management activities, including decommissioning, relating to operations associated with the production of nuclear energy; and
- (g) any related research and development activities;

“nuclear fuel resource” means uranium and thorium;

“nuclear installation” means any nuclear facility subject to authorisation that is part of the nuclear fuel cycle, except facilities for the mining or processing of uranium ores or thorium ores and disposal facilities for radioactive waste;

“nuclear incident” means any occurrence or series of occurrences having the same origin which causes nuclear damage;

“nuclear material” means Plutonium, except that with isotopic concentration exceeding 80% in Plutonium-238, Uranium-233, Uranium enriched in the isotope 235 or 233, Uranium containing the mixture of isotope 235 or 233, Uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue and any material containing one or more of the foregoing;

“nuclear or radiological emergency” means an emergency in which there is, or is perceived to be, a hazard due to the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction; or radiation exposure;

“nuclear safeguard” means the process of verification, inspection, monitoring and technical assistance conducted by IAEA to ensure that nuclear materials and installations, equipment and services related thereto are not converted or used for non-peaceful means;

“nuclear safety” means the achievement of proper operating conditions, prevention of accidents and mitigation of accident consequences, resulting in protection of workers, the public and the environment from undue radiation risks;

“nuclear security” means the prevention and detection of, and response to, theft, sabotage, unauthorised access, illegal transfer or other malicious acts involving radioactive material or their associated facilities;

“operator” means any person or organisation applying for authorisation or an authorised person or a person responsible for safety when undertaking activities or in relation to any nuclear facilities or sources of ionising radiation;

“physical protection” means measures for the protection of nuclear material or authorised

facilities, designed to prevent unauthorised access or removal of fissile material or sabotage with regard to safeguards, as, for example, in the Convention on the Physical Protection of Nuclear Material;

“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;

“practitioner” means a person registered under the Medical and Dental Practitioners Act to practise medicine, surgery or dentistry;

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

“radiation” means ionising radiation;

“radiation protection” means a system of technical and organisational measures to reduce or limit exposure of people and the environment from ionizing radiation;

“radiation protection officer” means a person technically competent in radiation protection matters relevant for a given type of practice who is designated by the registrant, licensee or employer to oversee the application of regulatory requirements;

“radioactivity” means the phenomenon whereby atoms undergo spontaneous random disintegration, usually accompanied by the emission of radiation;

“radioactive material” means material designated under this Act or by the Council as being subject to regulatory control because of its radioactivity;

“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 if the radioactive source is leaking or broken, but does not include material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors;

“radioactive waste” means, for legal and regulatory purposes, material for which no further use is foreseen that contains, or is contaminated with radionuclides at activity concentrations greater than clearance levels as established by the Council;

“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;

“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;

“research reactor” means a nuclear reactor used mainly for the generation and utilisation of neutron flux and ionizing radiation for research and other purposes, including experimental facilities associated with the reactor and storage, handling and treatment facilities for

radioactive material on the same site that are directly related to safe operation of the research reactor;

“safety assessment” means-

- (a) assessment of all aspects of a practice that are relevant to the protection and safety, for an authorised facility, including the siting, design and operation of the facility; or
- (b) activities carried out to determine whether requirements are met and processes are adequate and effective, and to encourage managers to implement improvements, including safety improvements;

“site area” means a geographical area that contains an authorised facility, authorised activity or source, and within which the management of the authorised facility or authorised activity or first responders may directly initiate emergency response actions;

“source” means anything that may cause radiation exposure such as by emitting ionising radiation or by releasing radioactive substances or radioactive materials and can be treated as a single entity for purposes of protection and safety;

“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;

“threat” means a person or group of persons with motivation, intention and capability to commit a malicious act;

“vehicle” means any conveyance or structure which is designed to be propelled or drawn on land, including a trailer, machine or implement of any kind drawn or propelled along a public road whether by animal, mechanical, electrical or any other motive power;

“waste” means material for which no further use is foreseen;

“worker” means any person who works, whether full time, part time or temporarily, for an employer, and who has recognised rights and duties in relation to occupational radiation protection;

(2) In determining, for the purposes of this Act, whether any nuclear material or radioactive material is kept or used on any premises, no account shall be taken of any nuclear material or 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 nuclear material or radioactive material is used in propelling the vessel or is kept in or on the vessel for use in propelling it.

(3) Any 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) Any 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

### **4. Continuation of Atomic Energy Council**

(1) The Atomic Energy Council established under the Atomic Energy Act, 2008, Act 24 of 2008 and existing immediately before the coming into force of this Act shall continue in existence, subject to this Act.

(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 moveable 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) 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*.

### **5. Composition of Council**

(1) The Council shall consist of a Chairperson and eight 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, public administration, information and communication technology, finance and law disciplines.

(3) Of the members appointed under subsection (1), at least three members shall be women and two members shall be representatives of the Ministry.

(4) 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 a term of imprisonment 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.

**6. 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 reappointment for one further term only.

(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, the information 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.

(4) 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.

(5) A person removed under subsection (3) is not entitled to any benefits that may be payable to him or her under section 8.

#### **7. Filling of vacancies of Council**

Where a member is removed from office under section 6, the Minister shall appoint another person qualified in terms of section 5(2) to replace the member and to hold office for the remainder of the term of the removed member.

#### **8. 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.

#### **9. 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 any practice under this Act;
- (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 register all persons involved in the operational and technical aspects or the provision of technical services to facilities throughout their lifecycle;
- (f) to take such action as is necessary to enforce the requirements of this Act and of any regulations or authorisations;
- (g) to ensure that corrective action is taken if unsafe or potentially unsafe conditions are detected;
- (h) to ensure proper documentation, storage and retrieval of records relating to the safety of facilities and activities of ionising radiation;
- (i) to establish and inform authorised persons of any requirements for systematic safety reassessment or periodic safety review;
- (j) to prescribe and collect fees for authorisations, inspections and other related services;
- (k) to advise other government authorities and organisations on matters within the competence of the Council;



- (l) to assist in emergency responses to nuclear and radiological incidents and accidents;
- (m) to initiate, recommend or provide support on intervention relating to nuclear and radiological emergencies, as may be appropriate;
- (n) to maintain contact for information exchange and co-operation with regulatory bodies of other countries and relevant international organisations;
- (o) to establish appropriate mechanisms to inform the public about the regulatory process and the radiation safety aspects of regulated practices;
- (p) to monitor and appraise radiation workers, the public and the environment on the extent of radiation exposure;
- (q) 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;
- (r) to coordinate the development and implementation of the integrated nuclear security sustainability plan;
- (s) to develop infrastructure for radiation, nuclear safety, nuclear security and safeguards;
- (t) to collaborate with the National Council for Higher Education to approve training programmes in nuclear science and technology;
- (u) to manage the decommissioning of nuclear facilities; and
- (v) to perform any other function that is incidental or consequential to its functions under this Act.

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

#### **10. 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.

#### **11. 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; and
- (b) to exercise such powers or perform such functions of the Council as the Council may delegate or refer to the committee under section 12.

(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 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 co-operation with any other committee.

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

## **12. 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 11, 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.

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

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

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

### **13. 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.

### **14. 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 or prescribed by the Council by Notice in the *Gazette*;
- (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.**

### **15. 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.

## **16. 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.

## **17. 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.

## **18. Tenure of office of Secretary**

(1) The Secretary shall hold office for five years and is eligible for reappointment 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 insolvent 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.

## **19. Inspectors**

(1) The Council shall appoint inspectors who shall hold office upon such terms and conditions as shall be determined by the Council.

(2) An inspector appointed under subsection (1) shall have such qualifications as may be prescribed by the Minister by regulations.

(3) Inspectors shall be under the charge and direction of the Secretary and are responsible to the Council in the performance of their functions.

## **20. Designation and grading of inspectors**

(1) The Council shall, for the purposes of ensuring the effective performance of its functions, establish a system of designation and grading of inspectors as it may deem necessary.

(2) An inspector 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.

(2) An inspector shall prepare and submit reports of his or her findings to the Secretary for submission to the Council.

## **21. Powers of inspectors**

An inspector may-

(a) at any time during normal working hours of a facility or as may be determined by the Council, enter any premises or vehicle without hindrance; and with any equipment required by the inspector for the performance of the inspector's duty;

(b) inspect any plan, drawing, record, register or document pertaining to-

(i) the design, siting, construction, testing, development operation, activity or abandonment of a facility;

(ii) the health and safety, security or environmental aspect of any activity regulated under this Act; and

(iii) any other matter relevant to the enforcement of this Act;

(c) carry out tests and take samples, measurements, photographs and video recording of a facility;

- (d) ask the occupant of any premises, operator of a vehicle or a person who has duties on or in connection with any premises or vehicle to provide the inspector with information relating to the premises or vehicle;
- (e) obtain information from an operator about the status of safety and security of radiation sources or nuclear material relating to that facility;
- (f) verify compliance of each operator with the provisions of this Act and regulations made under this Act;
- (g) investigate any incident or accident involving a radiation source or nuclear material and any other radioactive material;
- (h) question any person who has duties which may be pertinent to the Council's enquiries relating to the practice; and
- (i) provide the Council with any requested assistance in the performance of its functions.

## **22. Access to premises by inspectors and designated persons**

(1) Subject to this Act, and to any other written law, where an inspector or other designated person reasonably suspects that any provision of this Act or of regulations made under this Act or a direction made or issued under this Act is being, has been, or is about to be contravened by any person in any premises or vehicle, the inspector or a designated person may-

- (a) enter the premises, or stop and enter any vehicle for purposes of stopping or preventing the contravention, or ascertaining whether in fact a contravention is occurring or has occurred, and take appropriate measures;
- (b) enter any premise and facility 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; or
- (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 or vehicle 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 an inspector 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.

## **23. 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.

(3) 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.

#### **24. Consultants**

The Council may engage consultants to serve as individual expert advisers or as members of a committee of the Council established under section 11 as may be useful and appropriate for the Council to discharge its responsibilities.

### PART IV-FINANCE

#### **25. Funds of Council**

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.

#### **26. Borrowing powers**

The Council may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Council under this Act.

#### **27. 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.

#### **28. 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.

### **29. 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.

### **30. Financial year of Council**

The financial year of the Council is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

### **31. 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.

### **32. 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 30(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**

### **33. No practice without authorisation**

(1) Subject to section 35, 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 without an authorisation issued under this Act.



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

#### **34. Categorisation of authorisation**

The Council may, by statutory instrument, establish categories of authorisation for any practice for a specified period, and subject to the terms and conditions specified in the authorisation.

#### **35. Exempted practices**

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.

#### **36. Notification of Council**

(1) A person who intends to carry out any practice specified in section 33 shall notify the Council of the intended practice.

(2) 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 and social impact assessment and a safety assessment of the proposed practice, where applicable.

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

(4) A 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.

### **37. 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 protection officer for purposes of the practice;
- (d) 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;
- (e) reports and studies undertaken, including an environmental impact assessment and a safety assessment of the proposed practice;
- (f) an emergency response plan for the proposed practice;
- (g) consents and permits required under any other law; and
- (h) 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 re-submit 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.

(4) Notwithstanding subsection (3), the Council may, by statutory instrument, prescribe the period for processing an application for authorisation of any practice related to a nuclear facility.

(5) A person authorized under this Act shall have the primary responsibility for the safe and secure conduct of the activity and for ensuring compliance with this Act, regulations made under this Act and any other applicable law.

### **38. Radiation protection 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 protection officer in relation to the practice.

(2) A radiation protection 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 protection 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 protection 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.

### **39. 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) A 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.

#### **40. 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.

#### **41. Duration of authorisation**

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

#### **42. Transfer 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-

(a) "transfer of authorisation" includes the acquisition of control by the person to whom the authorisation is transferred; and

(b) "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.

#### **43. 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.

#### **44. 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.

#### **45. 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 44 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.

#### **46. 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-

- (a) 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.

#### **47. Modification of terms of authorisation**

(1) The Council may modify the terms and conditions of an authorisation following notification by the authorised person as required under section 44.

(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.

#### **48. Suspension of authorisation or practice**

(1) The Council shall order an immediate cessation of a practice and suspend an authorisation of the practice where a situation for which the operator is responsible poses an imminent safety or security hazard to human life and the environment.

(2) The Council may reinstate the authorisation of a practice where the operator resolves the safety or security hazard to the satisfaction of Council.

(3) The Council shall, where the Council deems fit, indemnify an inspector against a liability incurred for acts done in good faith in the performance of his or her functions.

(4) The Council shall prescribe the criteria for indemnification of inspectors under subsection (3).

#### **49. 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) A person aggrieved by the revocation of an authorisation under this section may appeal to the High Court within 30 days after the revocation.

#### **50. 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.

#### **51. 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.

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

(4) The decommissioning of a practice shall be in accordance with Part XIV, the National Environment Act, 2019 the Standards and any other applicable law.

#### **52. 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.

#### **53. Notice of incident or accident**

(1) An authorised person shall immediately, and in any case not later than forty- eight hours of the occurrence of an incident or accident at a facility, notify the Council of the incident or accident indicating, if any, 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 incidents or accidents.

#### **54. Registration**

(1) The Council shall register-

- (a) all persons using ionising radiation for practices of low risk as determined by the Council; and
  - (b) all persons involved in the operational technical aspects or provision of technical services to facilities throughout their lifecycle.
- (2) A person who uses ionising radiation for practices of low risk shall apply to the Council for registration in a manner prescribed by regulations.
- (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 risk shall prepare and submit to the Council a safety assessment of the facilities and equipment.

#### PART VI- PROMOTION AND DEVELOPMENT OF NUCLEAR ENERGY

##### **55. Role of Ministry in promotion and development of nuclear energy**

The Ministry shall, in the promotion and development of nuclear energy, undertake the following roles-

- (a) overall planning and coordination in relation to nuclear energy;
- (b) development of policy relating to nuclear power infrastructure, nuclear fuel resources, radioactive waste and nuclear science and applications among others;
- (c) coordinating research, innovation and development in relation to nuclear energy;
- (d) monitoring and evaluation of the implementation of policies related to nuclear energy development and this Act;
- (e) coordinating the implementation of bilateral and multilateral agreements on nuclear energy and related matters; and
- (f) coordinating the technical cooperation programme between the IAEA and the Government of Uganda.

#### PART VII- UGANDA NATIONAL NUCLEAR COMPANY

##### **56. Establishment of Uganda National Nuclear Company**

- (1) There shall be incorporated, under the Companies Act, 2012, the Uganda National Nuclear Company to be wholly owned by the State to manage Uganda's commercial interests in the nuclear industry.
- (2) The Uganda National Nuclear Company shall be subject to and managed in accordance with the Companies Act, 2012 and this Act.
- (3) Where there is conflict between this Act and the Companies Act, 2012, this Act shall prevail.



### **57. Functions of Uganda National Nuclear Company**

The functions of the Uganda National Nuclear Company are-

- (a) to manage the State's commercial interests in the nuclear industry;
- (b) to design, construct, operate and maintain nuclear facilities for education and training, radioisotope production, research, innovation and development;
- (c) to design, construct, operate and maintain power plants for electricity generation;
- (d) to develop human resource capacity for the nuclear industry in collaboration with the education sector;
- (e) to develop local expertise in the nuclear industry through training;
- (f) to explore, mine and process nuclear fuel resources;
- (g) to manage the business aspects of State participation in the nuclear industry;
- (h) to manage processing, storage and disposal of spent nuclear fuel and radioactive waste;
- (i) to design, construct, operate and maintain a centralised radioactive waste management facility;
- (j) to conduct research and technical studies related to nuclear energy; and
- (k) to perform any other function that is incidental and consequential to its functions under this Act.

### **58. Board of Directors of Uganda National Nuclear Company**

(1) The Board of Directors of the Uganda National Nuclear Company shall be appointed by the President with the approval of Parliament.

(2) The Board appointed under subsection (1) shall have seven members with diverse qualifications and experience in nuclear science and technology, nuclear engineering, electrical engineering, mechanical engineering, civil engineering, geology, environmental science, economics and business administration disciplines.

(3) Of the members appointed under subsection (2), at least three members shall be women and shall have representatives from the Ministry and Ministry responsible for finance.

(4) The President shall designate a Chairperson of the Board from among members appointed under subsection (1).

(5) The Board of Directors of the Uganda National Nuclear Company shall submit the following matters to the annual general meeting-

- (a) plans for the coming year, as well as outlook for the intermediate term and significant changes in any of the plans;
- (b) plans regarding projects of major significance to the State's participation in nuclear industry in accordance with this Act;
- (c) main features of the budget for the coming year;
- (d) principles relating to engagement of managers;
- (e) performance in the previous year; and
- (f) annual report and annual accounts in respect of the participating interests of the State.

(6) The Board of Directors of the Uganda National Nuclear Company shall, in addition to the requirements of subsection (5), submit to the annual general meeting of the company all matters that must be assumed to comprise principal or political aspects of significance or that may entail significant socio-economic or social effects.

(7) The Board of Directors shall inform the President of matters which are to be submitted to the annual general meeting.

#### **59. Annual reports and accounts of Uganda National Nuclear Company**

The Board of Directors of the Uganda National Nuclear Company shall submit to the annual general meeting-

- (a) audited accounts of revenues and expenditure in respect of the State's participating interests; and
- (b) an annual report containing an overview of the participating interests managed by the company, including a resource account.

#### **60. Instructions to Uganda National Nuclear Company**

The Minister may issue instructions in respect of how the Uganda National Nuclear Company shall execute its management task under this Act.

### **PART VIII- RADIATION PROTECTION**

#### **61. Regulatory control for radiation protection**

(1) An authorised person shall-

- (a) justify every radiation practice and prove that its benefits outweigh the health detriment to human health and environment;
- (b) optimise the radiation protection of people and the environment in such a way that exposures, are as low as reasonably achievable, taking into account economic and social factors;
- (c) put mechanisms in place to ensure dose limits are not exceeded for practices where limits apply;

- (d) plan and implement the technical and organisational measures necessary to ensure adequate safety and security, including effective defenses against radiological hazards;
- (e) ensure compliance with the dose limits established by the Council and monitor the radiation exposure of workers;
- (f) possess adequate and competent human and financial resources to conduct the proposed activity in a manner that ensures safety and security;
- (g) not modify the conduct of any authorised activity in a manner that could affect the protection of workers, patients and the public or the environment without seeking the written approval of the Council; and
- (h) provide, upon request by the Council, all information considered to be necessary by the Council.

(2) The Council may, by statutory order, specify practices exempted from radiation protection requirements under subsection (1).

(3) Where the Council exempts regulatory control over practices specified in subsection (1), the exemption shall be based on the following criteria-

- (a) the radiation risk for persons is sufficiently low to be of no regulatory concern;
- (b) the collective radiological impact is sufficiently low that regulatory control is not warranted; and
- (c) the source or practice is considered to be inherently safe, with no likelihood of creating situations that may result in a failure to meet the criteria in paragraphs (a) or (b).

## **62. Control of radioactivity in consumer products**

(1) Consumer products capable of causing exposure to radiation shall not be supplied to members of the public unless the use of the consumer products by members of the public has been-

- (a) justified by the authorised person to the Council;
- (b) exempted by the Council; or
- (c) authorised by the Council.

(2) A person intending to import, distribute, produce, manufacture or export consumer products capable of causing exposure to radiation to the public shall apply to the Council for authorisation.

(3) An application for an authorisation under subsection (2) shall be submitted to the Council in a manner prescribed by the Council by regulations.

(4) The Council shall, upon receipt of an application for authorisation under subsection (3)-

- (a) verify compliance with the provisions of this Act;
- (b) verify the assessments and selection parameters presented by the applicant;
- (c) determine whether the end use of the product can be exempted; and
- (d) if necessary, authorise the provision to the public of the consumer product subject to specific conditions of authorisation or exempt the consumer product.

(5) The Council shall process every application for an authorisation within thirty days after receipt of the application.

(6) A person who imports consumer products, as exempt products shall ensure that the products are packaged and labelled in a manner prescribed by the Council by regulations.

(7) A person who contravenes this section commits an offence and is liable, on conviction to a fine not exceeding two hundred and fifty currency points or to imprisonment for a term not exceeding five years, or to both.

### **63. Management of radioactive materials in recycling of scrap metal**

(1) A person involved in metal recycling shall set up and maintain a program for detecting radioactive material in scrap metals.

(2) A person shall not, without authorisation from the Council, engage in processing of any substance or material containing radioactivity whose activity levels are above the exemption limits set by Council.

(3) A person involved in metal recycling shall-

- (a) develop emergency response plan to deal with the suspected or actual presence of radioactive material in scrap metal, metal products or wastes; and

- (b) immediately notify the Council of the presence of radioactive material in scrap metal.

(4) The Council may, by statutory instrument, specify requirements for management radioactive materials in recycling of scrap metal.

### **64. Medical exposure control**

(1) Every authorised person shall ensure that no person, whether symptomatic or asymptomatic, incurs medical exposure unless-

- (a) the radiological procedure has been requested by a medical practitioner;

- (b) responsibility has been assumed for ensuring protection and safety; and

- (c) the person subject to the exposure has been informed of the expected benefits and risks and has consented to the exposure.

(2) An authorised person shall ensure that all practicable measures have been taken to minimise the likelihood of unintended or accidental medical exposure.

(3) Where unintended or accidental radiation exposure occurs, the authorised person shall implement corrective action and report to the Council immediately.

(4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding one year or to both.

#### **65. Protection from existing exposure situations**

(1) A person who intends to carry out activities that may involve naturally occurring radioactive material shall notify the Council.

(2) Any person involved in activities that may elevate radioactivity in naturally occurring radioactive materials above the exemption levels shall apply for authorisation in accordance with this Act and regulations made under this Act.

(3) The Council may, by statutory instrument, prescribe requirements for management of existing exposure situations.

#### **66. Intended radiological exposures with transboundary effects**

(1) Where an authorised person intends to undertake an activity likely to cause public exposure to neighboring States, the authorised person shall notify the Council of the intended activity.

(2) The notice given by an authorised officer in subsection (1) shall be in a manner prescribed by the Council by regulations.

(3) Upon receipt of a notification under subsection (2), the Council shall verify and determine the effect of the transboundary activity.

(4) Where the Council determines that the effect of the activity is within the acceptable limits, the Council shall, through the Ministry responsible for foreign affairs, notify the neighboring State of the intended activity.

(5) Where the Council determines that the effect of the activity is within the acceptable limits, the Council shall permit the authorised person to carry out the intended activity.

(6) Where the Council determines that the effect of the activity is beyond the acceptable limits, the Council shall inform the authorised person not to carry out the intended activity.

(7) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment for a term not exceeding ten years, or both.

### **PART IX- SAFETY OF NUCLEAR FACILITIES**

#### **67. Authorisation of nuclear facilities**

(1) A person who intends to site, construct, operate or decommission a nuclear facility shall apply to the Council for authorisation.

(2) The Council shall, by statutory instrument, prescribe requirements for authorisation including requirements for-

- (a) the design;
- (b) siting;
- (c) construction;
- (d) commissioning;
- (e) operation;
- (f) decommissioning;
- (g) remediation; and
- (h) such other activity relating to construction and operation, as may be necessary.

(3) The authorisation requirements prescribed under subsection (2) shall distinguish between-

- (a) nuclear power plants;
- (b) research reactors; and
- (c) other nuclear facilities.

(4) The Council shall, in assessing an application under subsection (1), inform and consult the general public in a manner prescribed by regulations.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment for a term not exceeding five years, or both.

#### **68. Responsibility for safety and security of nuclear facilities and activities**

An authorised person is responsible for ensuring safety and security of the facilities and all activities associated with the facilities.

#### **69. Site evaluation process for nuclear facilities**

(1) A person applying for a site authorisation for a nuclear facility shall prepare a site evaluation report in accordance with subsection (2).

(2) The site evaluation report prepared under subsection (1) shall contain-

- (a) the frequency and severity of external natural and human induced events and phenomena that could affect the safety of the facility;

- (b) the foreseeable evolution of natural and man-made factors in the region that may have a bearing on safety for a time period that encompasses the projected lifetime of the facility;
- (c) the hazards associated with external events that are to be considered in the design of the facility, including the potential combined effects of hydrological, hydrogeological and meteorological conditions;
- (d) particulars relating to safety such as the storage and transport of nuclear material;
- (e) the possible non-radiological impact of the facility, due to chemical or thermal releases, and the potential for explosion and dispersion of chemical products;
- (f) the potential for interactions between nuclear and non-nuclear effluents;
- (g) the potential radiological impacts in operational states and conditions on people in the region, including impacts that could lead to emergency measures or potential impacts outside the territory of the Republic of Uganda;
- (h) total nuclear capacity to be installed on the site, with provision for re-evaluation of the site if the installed capacity is to be significantly increased beyond the level assessed in a previous site evaluation; and
- (i) such other matters as may be prescribed by the Minister by regulations.

(3) Notwithstanding subsection (2), the Council may by statutory instrument, prescribe the requirements for siting nuclear facilities other than nuclear installations.

#### **70. Preconstruction review and assessment of nuclear installation**

The Council shall, before authorising the construction of a nuclear installation, review and assess-

- (a) the competence and capability of the applicant to meet the requirements for authorisation;
- (b) the site evaluation report acceptability and related information needed for the design of the proposed installation;
- (c) the potential environmental and social impact of the proposed installations and proposed mitigation measures;
- (d) the basic design of the proposed facility, to confirm that it meets relevant safety, security and physical protection requirements;
- (e) the quality assurance programme of the applicant or operator and vendors;
- (f) research results and development plans related to demonstration of the acceptability of the design; and

- (g) arrangements for the management of spent fuel, radioactive waste and decommissioning.

#### **71. Review and assessment of construction of nuclear installations**

The Council shall, during the construction of a nuclear installation, review and assess-

- (a) the implementation of the facility design and any modifications through documentation submitted by the operator to determine its continued acceptability; and
- (b) the progress of research and development activities in connection with demonstrating the acceptability of the design.

#### **72. Review and assessment prior to commissioning of nuclear installation**

The Council shall, before a nuclear installation is commissioned, review and assess the commissioning programme, and where necessary, establish a schedule for further review and assessment prior to operation.

#### **73. Review and assessment prior to initial operation of nuclear facilities**

The Council shall, before authorising the loading of nuclear fuel or initial criticality, complete the review and assessment of the following-

- (a) the as-built-design and construction and conformance to specifications of the facility;
- (b) the results of non-nuclear commissioning tests;
- (c) the limits and conditions for operation during commissioning, with a staged approach, if necessary;
- (d) measures for radiation protection;
- (e) the adequacy of operating instructions and procedures, especially the main administrative procedures, general operating procedures and emergency operating procedures;
- (f) the recording and reporting systems;
- (g) the arrangements for training and qualification of facility personnel, including staffing levels and fitness for duty requirements;
- (h) the management systems for operation;
- (i) the emergency preparedness programme;
- (j) the accounting measures for nuclear and radioactive material;
- (k) the adequacy of security and physical protection measures;



- (l) the arrangements for periodic testing, maintenance, inspection and control of modifications and surveillance; and
- (m) the arrangements for decommissioning and management of spent fuel and radioactive waste.

**74. Review and assessment prior to full power operation of nuclear facilities**

The Council shall, before authorising routine operation of a nuclear power reactor at full power, complete the review and assessment of the following-

- (a) results of commissioning tests; and
- (b) limits and conditions for operation.

**75. Review and assessment during operation of nuclear facilities**

The Council shall during the operation of a nuclear facilities-

- (a) review, assess and approve any changes in operational limits and conditions or significant safety-related modifications; and
- (b) make periodic reviews of the operator's compliance with relevant terms and conditions related to the safety and security of the installation.

**76. Extended shutdown of nuclear reactors**

(1) An authorised person shall prepare a technical preservation programme for any research reactor that enters into or continues in a state of extended shutdown.

(2) The technical preservation programme for research reactors referred to in subsection (1) shall include-

- (a) arrangements for ensuring that the reactor core remains subcritical;
- (b) procedures and measures to disconnect, dismantle and preserve the systems that are to be taken out of operation or temporarily dismantled;
- (c) modifications of the safety analysis report and the operational limits and conditions;
- (d) arrangements for dealing with fuel, spent fuel and radioactive waste;
- (e) regular surveillance and periodic inspection, testing and maintenance to ensure that the safety performance of structures, systems and components does not degrade;
- (f) revised emergency planning arrangements;
- (g) staffing requirements to undertake the tasks necessary to keep the reactor in a safe condition and to maintain knowledge about the research reactor; and
- (h) arrangements for the safety and security of the reactor and the installation.

(3) The Council shall ensure the authorised person safely manages a reactor in extended shutdown.

## PART X- SECURITY AND PHYSICAL PROTECTION OF RADIOACTIVE SOURCES, NUCLEAR MATERIAL AND ASSOCIATED FACILITIES

### **77. General responsibilities**

(1) An authorised person shall ensure the security of all radioactive sources, nuclear material and associated facilities 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 security of the radioactive source, nuclear material and associated facilities put in place security measures which are commensurate with the magnitude and likelihood of the threat for the purpose of preventing of any threat, detecting a threat and response to a threat on any radioactive source, nuclear material and associated facilities.

(3) An authorised person shall ensure that, as applicable and appropriate, the location, design, construction and assembly, commissioning, operation and maintenance and decommissioning of radioactive sources, nuclear material and associated facilities 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 security measures in the design, construction and operation of radioactive sources, nuclear material and associated facilities.

(4) An authorised person shall promptly report to the Council any loss of control and any incidents connected to a radioactive source, nuclear material and associated facilities.

(5) An authorised person shall, immediately after reporting the loss of control or any incident connected to radioactive sources, nuclear material and associated facilities under subsection (4), submit to the Council a report with details of the incident.

### **78. Accountability of radioactive sources and nuclear material**

An authorised person shall put in place measures and arrangements for the accountability of radioactive sources and nuclear material under his or her responsibility by ensuring that-

- (i) control of a radioactive 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 radioactive source;
- (j) a radioactive source and material is not transferred unless the receiver possesses a valid authorisation;

- (k) records are maintained of a radioactive source and nuclear material inventory, including records of receipt, transfer and disposal of radioactive sources and nuclear material; and
- (l) a periodic inventory of radioactive sources and nuclear material is conducted at intervals specified in the licence to confirm that they are in their assigned locations and are secure.

#### **79. Nuclear security threat assessment**

- (1) The National Security Council established under section 2 of the National Security Council Act shall, in consultation with the Council, conduct a national nuclear security threat assessment in a manner prescribed by regulations.
- (2) Where a national nuclear security threat is identified under subsection (1), the Council shall communicate to the authorised person the threat associated with the practice.
- (3) An authorised person to whom a threat is communicated under subsection (2) shall put in place security measures to address the threat identified under subsection (1).
- (4) Notwithstanding subsections (1) and (2), the authorised person shall periodically conduct a threat assessment and shall communicate to the Council the findings of the threat assessment.

#### **80. Primary responsibility for physical protection**

- (1) An authorised person is primarily responsible for ensuring the physical protection from attempted or actual unauthorised access of or illicit trafficking of radioactive sources, nuclear material and associated facilities under the control of the authorised person.
- (2) Where there has been theft, threat of theft or loss of a radioactive source or nuclear material, an authorised person shall-
  - (a) notify the Council without delay of the incident and circumstances of the incident;
  - (b) provide a written report, including particulars, to the Council as soon as practicable after giving notice; and
  - (c) provide the Council with any additional information as may be required by the Council.
- (3) The Council may, by statutory instrument, prescribe additional requirements and details on physical protection of radioactive sources, nuclear material and associated facilities.

#### **81. International cooperation and assistance**

- (1) The Council shall, where there has been theft or loss of a radioactive source or a nuclear material-
  - (a) take appropriate steps, as soon as possible, to inform the ministry responsible for foreign affairs to communicate to other States and relevant international entities that may be affected by the circumstances of the incident; and

(b) determine the necessary co-ordination, co-operation and assistance arrangements in the recovery and protection of such materials as agreed with any State or international entity that so requests.

(2) The Council shall be the lead authority responsible for coordinating recovery and response in the event of any theft or loss of a radioactive source or a nuclear material.

### **82. Restrictions**

(1) A person shall not interfere with, remove, alter, damage or render ineffective any security measures stipulated to secure a radioactive source, nuclear material or associated facility, except for lawful removal, transport or technical service.

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

### **83. Protection of confidential information**

(1) An authorised person shall not disclose any information that is prejudicial to the security of a radioactive source, nuclear material or associated facility, except with the written authority of the Council.

(2) A person shall not use information relating to the security of a radioactive source, nuclear material or associated facility for an unlawful purpose or to further an unlawful purpose or intent.

(3) A person who contravenes this section commits an offence and is liable, on conviction-

(a) for a radioactive source, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years or to both;

(b) for a nuclear material, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years or to both; and

(c) for an associated facility, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding five years or to both.

## **PART XI- EXPLORATION, MINING AND PROCESSING OF NUCLEAR FUEL RESOURCES**

### **84. Exploration, mining and processing of nuclear fuel resources**

(1) A person granted a mineral right or licence under the Mining and Minerals Act, 2022, shall apply for authorisation from the Council, before conducting any mining operations that involves nuclear fuel resources including-

(a) any exploration activity that involves a possible exposure to ionising radiation;

- (b) the removal of nuclear fuel resources from the exploration or mine site for testing or valuation;
- (c) excavation activities at a site and a test mine for evaluation or delineation of the ore body;
- (d) extraction activities that may enhance the concentration of naturally occurring radioactive material;
- (e) the siting, construction or operation of a mine or processing facility;
- (f) the transportation of the product of mining or milling activities;
- (g) the decommissioning or closure of a mine or processing facility; and
- (h) radioactive waste management.

(2) An application for authorisation under subsection (1) shall be in a manner prescribed by the Council by regulations.

(3) An application for authorisation under subsection (1) shall be accompanied by-

- (a) a valid mining licence;
- (b) the site characteristics, including geology and mineralogy;
- (c) the siting or construction plans;
- (d) the conceptual design of the mining or processing facility;
- (e) proposed work activities, extraction techniques and types of equipment involved;
- (f) quantities of nuclear fuel resources to be removed with the ore;
- (g) the plan transportation of the mineral ore;
- (h) estimates of exposures and doses for workers;
- (i) the measures to be taken for radiation protection;
- (j) the procedures for accident prevention;
- (k) waste and effluent management systems and procedures;
- (l) procedures for dealing with accidental releases of radioactive or non-radioactive contaminants to the environment, including mitigation of hazards;
- (m) likely impacts on public health and safety and the environment;

- (n) the siting of tailings and storage facilities or stockpiles of ore and waste rock;
- (o) the proposed decommissioning plan, including financial arrangements for decommissioning; and
- (p) proposed security measures.

(4) The Council shall, in considering an application for authorisation under subsection (1), consult with the Minister responsible for mineral development.

(5) A mining rights holder who contravenes this section commits an offence and is liable, on summary conviction, to a fine not exceeding two thousand and five hundred currency points or imprisonment for a term not exceeding five years, or both

**85. Responsibilities of authorised person for mining and processing activity for nuclear fuel resources**

A person granted an authorisation under section 84 shall-

- (a) ensure the safety and security of any mining and processing activity conducted pursuant to the relevant authorisation;
- (b) comply with relevant regulations and authorisation conditions imposed by the Council; and
- (c) notify the Council of its intention to modify any activity or practice it is authorised to undertake, if the modification is likely to have significant implications for the safety and security of persons, or the protection of the environment, but shall not implement the modifications before approval by the Council.

**PART XII- RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL**

**86. Application of Part**

- (1) This Part shall apply to radioactive waste and spent nuclear fuel resulting from civilian applications.
- (2) This Part shall not apply to waste that contains only naturally occurring radioactive material, unless it is declared as radioactive waste by statutory instrument by the Council.

**87. Responsibility for radioactive waste and spent nuclear fuel management**

- (1) An authorised person shall have the primary responsibility for ensuring the safety and security of radioactive waste and spent nuclear fuel in a radioactive waste or spent nuclear fuel inside or outside a facility throughout its life.
- (2) Every authorised person shall be responsible for the safe management of radioactive waste generated by the activities for which the authorisation is issued and shall take all necessary measures to ensure that-
  - (a) the activity and volume of radioactive waste are kept to the minimum practicable level by suitable design, operation and decommissioning of its facilities;

- (b) radioactive waste is managed by appropriate classification, segregation, treatment, conditioning, storage or disposal, and maintaining records of such activities;
- (c) management of radioactive waste is not unnecessarily delayed; and
- (d) information sought by the Council is furnished as requested.

**88. Management of radioactive waste and spent nuclear fuel**

An authorised person shall, in the management of radioactive waste and spent nuclear fuel, apply the following principles-

- (a) people, property and the environment are adequately protected against radiological and associated hazards;
- (b) generation of radioactive waste is kept to the minimum practicable;
- (c) interdependence among the different steps of radioactive waste and spent nuclear fuel management is considered;
- (d) protective measures for radioactive waste and spent nuclear fuel management are implemented in a manner that reflects internationally recognised criteria, standards and guidance;
- (e) biological, chemical and other hazards that may be associated with radioactive waste and spent nuclear fuel management are adequately addressed;
- (f) criticality and removal of residual heat generated during radioactive waste and spent nuclear fuel management are adequately addressed;
- (g) actions imposing reasonably predictable impacts on future generations greater than those permitted for the current generation are avoided; and
- (h) appropriate funding arrangements are in place.

**89. Classification of radioactive waste**

The Council shall, by statutory instrument, establish a criteria for classification of radioactive waste to ensure the safe and secure management of radioactive waste.

**90. Radioactive waste and spent nuclear fuel management plan**

- (1) Every authorised person shall submit a radioactive waste or a spent nuclear fuel management plan, as applicable, to the Council for approval prior to the grant of an authorisation.
- (2) A radioactive waste or spent nuclear fuel management plan shall provide for the appropriate management of radioactive waste or spent nuclear fuel, and shall include -
  - (a) a description of the processes that generate radioactive waste or spent fuel;

- (b) a description of the environment into which the radioactive waste will be discharged or disposed, including the baseline radiological characteristics;
- (c) a description of how spent fuel shall be stored at interim and final stages;
- (d) a description of the proposed system for waste management, including the facilities and procedures involved in the handling, transportation, treatment, storage or disposal of radioactive waste;
- (e) an assessment of environmental concentrations of radionuclide and radiation doses to people from the proposed radioactive waste management practices;
- (f) a program for monitoring the concentration of radionuclides in the environment;
- (g) emergency plans for dealing with accidental releases or circumstances which might lead to uncontrolled releases of radioactive waste to the environment;
- (h) a schedule for reporting on the operation and results of monitoring and assessments required by the plan;
- (i) a plan for decommissioning the operation and the associated radioactive waste management facilities and remediation of the site; and
- (j) a system of periodic assessment and review of the adequacy and effectiveness of procedures instituted under the plan to ensure currency and to take account of potential improvements consistent with best practicable technology.

**91. Collection, segregation and characterisation of radioactive waste**

An authorised person shall ensure that radioactive waste is collected, segregated, characterised, processed, packaged or managed at the point of origin in accordance with the classification and packaging system established by regulations made under this Act.

**92. Discharge of radioactive waste**

(1) An authorised person shall ensure that radioactive waste from authorised activities is not discharged to the environment unless -

- (a) the discharge is within the limits specified in the authorisation and is carried out in a controlled manner using authorised methods; or
- (b) the discharge is confirmed to be below the radioactivity clearance level prescribed by the Council.

(2) An authorised person shall, during the operational stages of any nuclear material under his responsibility -

- (a) keep radioactive discharges below the authorised limits as is reasonably achievable;



- (b) monitor and record the discharges of radionuclides with sufficient detail and accuracy to demonstrate compliance with the authorised discharge limits and to permit estimation of the exposure of the critical group;
- (c) report discharges to the Council at intervals as specified by the Council and as may be determined from time to time; and
- (d) report as soon as practically possible to the Council of any discharges exceeding the authorised limits

(3) Every authorised person shall ensure that non-radiological hazards of the released radioactive waste comply with the National Environment Act, 2019 and any other written law concerning those hazards.

(4) Every authorised person shall ensure radioactive waste is stored in a manner that protects persons, property and the environment.

**93. Authorisation to operate radioactive waste and spent nuclear fuel management facility**

(1) A person shall not establish a radioactive waste and spent nuclear fuel management facility without authorisation from the Council.

(2) An application under subsection (1) shall be made in a manner prescribed by regulations.

(3) A person granted an authorisation under this section shall ensure that the facility-

(a) meets safety requirements for the protection of persons, property and the environment by appropriate planning for the siting, design, construction, operation and maintenance of the facility, including provisions for eventual retrieval of the waste; and

(b) is designed-

(i) on the basis of assumed conditions for its normal operation and assumed incidents or accidents;

(ii) for the likely period of storage, with the potential for degradation being considered;

(iii) in such a way that the waste can be retrieved, whenever required;

(iv) so that it is adequately ventilated to exhaust any gas generated in normal conditions or under anticipated accidents conditions;

(v) so that measures to prevent, detect and control fires are incorporated as required; and

(vi) so that radiological monitoring and visual inspection is readily possible.

#### **94. Prohibition of importation of radioactive waste**

Radioactive waste and spent nuclear fuel generated outside the territory of Uganda shall not be imported into Uganda for any purpose.

#### **95. Export of radioactive waste**

(1) A person shall not export radioactive waste and spent nuclear fuel generated within Uganda without authorisation by the Council.

(2) The Council shall apply the following criteria in determining an application for an export authorisation for radioactive waste and spent nuclear fuel-

- (a) whether the importing State has been notified of the transfer of radioactive waste and spent nuclear fuel prior to its receipt and has consented to such transfer;
- (b) the movement of the intended exported material shall be conducted in conformity with relevant international obligations in all States through which the material will transit, this Act, the National Environment Act, 2019 and any other applicable law; and
- (c) the importing State possesses the regulatory infrastructure and technical capacity necessary to manage the exported radioactive waste and spent nuclear fuel.

(3) Where an authorised export of radioactive waste or spent nuclear fuel cannot be completed in compliance with the provisions of this Act, the radioactive waste or spent nuclear fuel shall be re-imported into Uganda unless alternative safe and secure arrangements can be made.

### **PART XIII- NUCLEAR AND RADIOLOGICAL EMERGENCY PREPAREDNESS AND RESPONSE**

#### **96. Nuclear and Radiological Emergency Response Committee**

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

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

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

(g) the Uganda Police Force; and

(h) the International Committee of the Red Cross.

**97. Functions of Nuclear and Radiological Emergency Response Committee.**

(1) The functions of the Nuclear and Radiological Emergency Response 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 shall, in collaboration with the Minister, co-ordinate the functions of the Committee.

**98. Responsibility of authorised persons**

(1) Every 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 shall take 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.

**99. Emergency preparedness and response plan**

(1) A person shall not be authorised to conduct a practice, operate a facility or possess or use a radioactive source or a nuclear material unless and until an appropriate emergency preparedness and response plan has been developed by the person.

(2) The emergency preparedness and response plan developed under subsection (1) shall consist of both on-site and off-site measures for response to incidents or accidents.

(3) An applicant for authorisation under section 37 shall in preparing an emergency preparedness and response plan take into account-

(a) an assessment of the nature, the likelihood and potential magnitude of resulting damage, including the population and area potentially at risk from an accident, malicious act or incident; and

- (b) the results of any accident analysis and lessons learned from that accident or incidents that have occurred in connection with similar practices.
- (4) An emergency preparedness and response plan shall-
- (a) identify the conditions that may create a need for emergency intervention;
  - (b) require the applicant to immediately notify the Council and other relevant agencies determined by the Council, of any incident or accident that poses a risk of radiological injury and requires emergency intervention;
  - (c) allocate responsibilities for-
    - (i) initiating intervention; and
    - (ii) notifying relevant emergency intervention and response organisations;
  - (d) specify procedures, including communication arrangements, for contacting and obtaining assistance from emergency intervention organisations;
  - (e) specify intervention levels for protective actions and the scope of their application, taking into account the possible severity of emergencies that could occur;
  - (f) describe the methods and instruments necessary for assessing an emergency situation and its consequences;
  - (g) specify the procedure for terminating each emergency response or action;
  - (h) specify the training required of emergency responders and for conducting appropriate practice exercises to test the adequacy of the plan and to ensure that persons who may be involved in the emergency interventions are adequately informed and prepared for possible emergencies;
  - (i) ensure persons likely to be affected by an emergency are well educated and informed about the potential risks of that emergency;
  - (j) be prepared in consultation with relevant emergency intervention or emergency responders, including the traditional leaders, the local authorities, and district, regional and national administrative authorities; and
  - (k) the contact persons and their contact details.
- (5) An emergency preparedness and response plan shall be reviewed annually and updated for nuclear facilities, and as determined by the Council.
- (6) An authorised person shall, in the event of a nuclear or radiological emergency, implement the emergency plan as approved by the Council.

#### **100. National plan for nuclear or radiological emergencies**

- (1) The Council shall in collaboration with the Ministries, departments and agencies of Government responsible for emergency and disaster management develop, and maintain a national emergency plan for responding to potential nuclear or radiological emergencies.
- (2) The national nuclear and radiological emergency preparedness and response plan shall be approved by the President.
- (3) The national nuclear and radiological emergency preparedness and response plan shall take into account other existing national emergency response plans or programmes.
- (4) The national nuclear and radiological emergency preparedness and response plan shall detail an allocation of responsibilities and actions among relevant governmental and non-governmental bodies, including arrangements for communications and public information.
- (5) The Council shall in collaboration with agencies responsible for emergency, review and update the plan every five years or such shorter period as the Council may determine.
- (6) An emergency preparedness and response plan shall be drilled every two years for nuclear facilities.
- (7) The updated emergency preparedness and response plan shall be approved in accordance with subsection (2).

#### **101. Authorised person's emergency response planning requirements**

Every 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.

#### **102. 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) Authorised persons 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.

(4) Where an event of a nuclear or radiological emergency that poses a risk of radioactive contamination spreading beyond the boundaries of Uganda, the Council shall immediately notify the International Atomic Energy Agency and the relevant authorities of any State that could be affected by the release.

(5) The Council shall serve as the point of contact for providing any information or assistance regarding nuclear or radiological emergencies under the terms of relevant international instruments, including the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

#### PART XIV- DECOMMISSIONING OF FACILITIES AND ACTIVITIES

##### **103. Decommissioning requirements**

(1) The Council shall-

- (a) establish requirements for the decommissioning of facilities and activities where radioactive sources and nuclear material are produced, used or stored in accordance with subsection (2);
- (b) ensure that relevant documents and records prepared by the authorised person are maintained for a specified period of time before, during and after decommissioning;
- (c) establish criteria for determining when a facility or part of a facility or activity must be permanently shut down;
- (d) evaluate the end state of the facility or activity after decommissioning activities have been completed to ensure that relevant regulatory requirements have been met; and
- (e) require the applicant for an authorisation to construct and operate a facility to –
  - (i) perform a baseline survey of the site, including radiological conditions, prior to construction; and
  - (ii) develop information prior to construction for comparison with the end state after decommissioning.

(2) The requirements referred to under subsection (1)(a) shall include -

- (a) safety and environmental criteria, including conditions on the end state of decommissioning;
- (b) limits and conditions for the removal of regulatory controls for facilities containing radionuclides;
- (c) criteria for the clearance of radioactive material during and following decommissioning; and

(d) such other requirements as may be prescribed.

(3) A facility shall not be released by the Council from regulatory control until the authorised person has demonstrated that the end state in the decommissioning plan has been reached and that any other additional regulatory requirements have been met.

#### **104. Decommissioning plan**

(1) At the design stage of facilities, the applicant for an authorisation to construct and operate a facility shall prepare an initial decommissioning plan for approval by the Council.

(2) The plan prepared under subsection (1) shall be commensurate with the type and status of the facility and the hazards that may be associated with its decommissioning.

(3) The Council shall-

(a) ensure that the relevant ministries, departments and agencies of Government, the public and other interested parties are provided with an opportunity to review and comment upon the decommissioning plan prior to its approval;

(b) require an authorised person to provide periodic reviews and updates of the decommissioning plan, and shall specify the maximum time interval between such reviews and updates;

(c) where specific circumstances result in significant changes to the initial decommissioning plan, require the authorised person to revise and update the plan to reflect the changed circumstances and submit the revised plan to the Council for approval;

(d) require that a final decommissioning plan is prepared and submitted for approval at least twelve months prior to the implementation phase of decommissioning activities; and

(e) ensure that a programme to implement and monitor compliance with remaining regulatory requirements has been established for sites where decommissioning has been completed but where authorisations or restrictions on future use of the site remain.

(4) The Council shall, upon completion of decommissioning, ensure that appropriate records for confirmation of the completion of decommissioning activities are maintained in accordance with the approved decommissioning plan, including the records of the premises and of the disposal of radioactive waste and material.

#### **105. Decommissioning responsibilities**

An authorised person shall, in implementing decommissioning activities at a facility, be responsible for -

(a) ensuring safety, security and environmental protection, including any activities conducted by contractors or subcontractors;

- (b) preparing the safety and environmental impact assessments necessary for implementation of the decommissioning plan;
- (c) establishing a record keeping system of the key issues and modifications during the lifetime of the facility that may have an impact on decommissioning;
- (d) ensuring that the baseline survey of the site is performed in an effective and timely manner;
- (e) ensuring that new or untried methods for decommissioning are justified, addressed and submitted for approval by the Council;
- (f) informing the Council within two months of a decision to permanently shut down a facility and submitting an application to decommission the facility, together with a proposed final decommissioning plan, within two years of permanent cessation of operation;
- (g) in the case of deferred dismantling, ensuring that the facility has been placed and will be maintained in a safe configuration and will be adequately decommissioned in the future;
- (h) establishing and maintaining a management organisation and personnel resources to ensure that decommissioning can be completed safely, including ensuring that responsible persons possess the necessary skills, expertise and training for safe decommissioning;
- (i) establishing and maintaining emergency planning arrangements commensurate with the associated hazards and reporting significant incidents to the Council; and
- (j) ensuring that adequate financial arrangements are made for all stages of the decommissioning process.

#### **106. Financing of decommissioning**

- (1) An authorised person is responsible for decommissioning of their facility.
- (2) A person authorised to construct and operate a facility shall ensure that adequate financial resources are available when needed to cover the costs associated with a safe decommissioning, including the management of the resulting waste.
- (3) The amount of the financial resources to be made available for decommissioning activities shall be commensurate with the specific cost estimate of the facility and shall be varied if the cost estimate increases or decreases.
- (4) The Council may require an authorised person to deposit money in an escrow account to cover the estimated cost of decommissioning.



- (5) Where the money deposited in an escrow account is not sufficient to cover the cost of implementation of the decommissioning plan, the authorised person shall cover the remaining costs and expenses.
- (6) The escrow account referred to under subsection (4) shall be managed jointly by the authorized person and the Council.
- (7) The estimated cost shall be reviewed as part of the periodic review of the decommissioning plan.

#### PART XV-TRANSPORT OF NUCLEAR AND RADIOACTIVE MATERIAL

##### **107. Transportation of nuclear and radioactive material**

- (1) The Council shall make regulations for the transportation of nuclear and radioactive material in accordance with international standards.
- (2) The Council shall, in developing the regulations under subsection (1), take into account the need to-
  - (a) protect persons, property and the environment;
  - (b) meet the obligations under relevant international instruments ratified or acceded to by Uganda;
  - (c) support international cooperation in the safe, secure and peaceful uses of nuclear science and technology; and
  - (d) support international efforts to prevent the proliferation of nuclear weapons, explosive and radiological dispersal devices.

##### **108. Offences relating to transport of nuclear and radioactive material**

- (1) A person shall not transport or cause or permit to be transported in any packaging or package, any nuclear material or radiation source in contravention of this Act and regulations made under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven thousand five hundred currency points or imprisonment for a term not exceeding five years, or to both.

##### **109. Duty to exercise reasonable care by carrier**

A carrier of a consignment of any packaging or package, any nuclear material or radiation source shall exercise reasonable care to ensure that in the course of the transport of a consignment, no injury to health or any damage to property or to the environment is caused.

##### **110. Transport security plan**

- (1) Every carrier shall establish a radiation protection transport plan for application during transportation of nuclear material or radiation sources.
- (2) The transport security plan referred to under subsection (1) shall-

- (a) take into account the nature and extent of the measures to be taken in respect of the likelihood and magnitude of radiation exposures or environmental contamination; and
  - (b) adopt a structured and systematic approach including consideration of the interfaces between the mode of transport and other activities.
- (3) An authorised person shall ensure that consignors, carriers, consignees and other persons engaged in the transportation of Category 1 and 2 of nuclear material or radioactive material packages, develops, adopts, implements and complies with the transport security plan.
- (4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding seven thousand five hundred currency points or imprisonment for a term not exceeding five years, or both.

#### **111. Emergency response in transportation**

- (1) Where an incident or accident occurs during the transportation of a nuclear material or radiation source, the carrier shall apply its radiation protection transport plan as approved by the Council.
- (2) Emergency response procedures shall take into account the formation of other dangerous substances that may result from the reaction between the contents of a consignment and the environment in the event of an accident.

#### **112. Segregation of material**

Every carrier shall ensure that during transportation-

- (a) every consignment is segregated from any other dangerous or hazardous goods; and
- (b) radioactive and fissile properties, explosiveness, flammability, pyrophoricity, chemical toxicity and corrosiveness are taken into account in the packing, labeling, marking, placarding, storage and transport of a package in order to be compliant with this Act or any other written law relating to dangerous or hazardous goods in each of the States through or into which the consignment is transported.

### **PART XVI- SAFEGUARDS AND PROHIBITIONS**

#### **113. Peaceful uses**

- (1) All nuclear material in Uganda shall be used exclusively for peaceful purposes and in accordance with this Act.
- (2) Without limiting the generality of subsection (1), an authorised person shall not-
  - (a) manufacture, possess, control or acquire, directly or indirectly a nuclear weapon or other nuclear explosive device; or
  - (b) receive any assistance directly or indirectly in the manufacture of a nuclear weapon or other nuclear explosive device.

(3) A person who contravenes this section commits an offence, and is liable, on conviction, to imprisonment for a term not exceeding twenty years without an option of a fine.

#### **114. Responsibility of Council in relation to safeguards**

The Council shall-

- (a) ensure the implementation of the obligations of Uganda arising from international treaties and conventions that Uganda has ratified;
- (b) collect and provide to the applicable international entity information required to fully implement Uganda's national and international obligations;
- (c) facilitate entry into, access within Uganda and offer necessary support to designated inspectors of the applicable international entity;
- (d) ensure all agencies of the Government of Uganda and authorised persons cooperate fully with the applicable national and international entities in application of safeguard measures; and
- (e) coordinate the implementation of safeguard obligations at national and international levels.

#### **115. Designation of inspectors**

The Council shall be responsible for approving the designation of inspectors proposed by the applicable international entity to Uganda.

#### **116. Safeguards inspections**

- (1) An authorised person shall grant an inspector unlimited access to any premises, installation facility or location in respect of which inspections are required to be conducted for the purpose of verifying compliance with national, regional and international safeguard obligations.
- (2) The inspector shall have a right to collect adequate number of samples necessary for verification of compliance with national, regional and international safeguards obligations.
- (3) An authorised person shall not delay or otherwise impede the inspector in exercise of their functions.
- (4) A person who contravenes this section commits an offence and is liable, on conviction, to imprisonment for a term not exceeding ten years without the option of a fine.
- (5) For purposes of this section, inspector means persons designated under sections 19 and 115.

#### **117. State system of accounting for and control of nuclear material**

The Council shall, by statutory instrument, make regulations for the effective implementation of safeguards by prescribing for-

- (a) a system for submitting information to the Council;
- (b) a system for the measurement of nuclear material;
- (c) a system for the evaluation of measurement accuracy;
- (d) the procedures for reviewing measurement differences;

- (e) the procedures for carrying out physical inventories;
- (f) a system for evaluation of unmeasured inventories;
- (g) a system of records and reports for tracking nuclear material inventories and flows;
- (h) procedures for ensuring that accounting procedures and arrangements are being operated correctly; and
- (i) procedures of reporting to the applicable international entity.

**118. Information requirements for research and development activities related to the nuclear fuel cycle**

- (1) A person intending to carry out research and development activities related to the nuclear fuel cycle shall, prior to commencement of the research and development activities, provide to the Council information and data necessary for compliance, subject to the Safeguards Agreement or any protocol to the Agreement.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years without the option of a fine.

**119. Protection of confidential information**

- (1) An authorised person shall establish and implement measures for maintaining a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information to other parties other than to the Council throughout the life cycle of any nuclear material under their possession.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years without option of a fine.

**PART XVII- EXPORT AND IMPORT OF CONTROLLED ITEMS**

**120. Import and export of controlled items**

- (1) The Council shall, by statutory instrument and in accordance with international obligations and commitments, establish a list of controlled items subject to export or import controls.
- (2) A person shall not import or export a controlled item without prior authorisation by the Council.
- (3) The Council before granting authorisation for export of a controlled item ensure that-
  - (a) the receiving State has disclosed the use of and made a binding commitment to use the controlled item for peaceful uses only;
  - (b) levels of physical protection of the controlled item are consistent with the levels set forth in the Convention on the Physical Protection of Nuclear Materials;
  - (c) the International Atomic Energy Agency Safeguards shall be applicable in relation to the controlled item;
  - (d) transfers of previously exported controlled items to a third State are subject to the prior approval by the Council; and

- (e) any reprocessing of the controlled item is subject to the approval by the Council.
- (4) The Council shall establish an authorisation criterion and requirements for import of controlled items.
- (5) Notwithstanding subsection (4), a person shall not import a controlled item unless-
- (a) the person is authorised by the Council;
  - (b) the controlled item is not otherwise prohibited under this Act; and
  - (c) the designated recipient of the controlled item is a holder of a valid authorization issued by the Council.

## PART XVIII- NUCLEAR LIABILITY AND COVERAGE COMPENSATION

### 121. Application of Part

- (1) The Part applies to nuclear installations.
- (2) In this Part, nuclear installation of one operator located at the same site shall be regarded as a single nuclear installation.

### 122. Liability of operator

- (1) An operator of a nuclear installation is liable for nuclear damage, if it is proved that the damage has been caused by a nuclear incident-
- (a) at the nuclear installation of that operator; or
  - (b) involving nuclear material coming from or originating from the nuclear installation of that operator.
- (2) An operator who was last authorised to possess a particular nuclear material is liable for nuclear damage caused by that nuclear material if the nuclear material is stolen, lost or abandoned.
- (3) Liability for nuclear damage shall apply to nuclear damage, wherever suffered.

### 123. Liability during transportation

- (1) A **sending operator** is liable for nuclear damage until a **receiving operator** has taken charge of the nuclear material being transported.
- (2) A carrier is liable for nuclear damage caused by the nuclear material it is contracted to transport, if at the request of the carrier to be responsible for that liability, the sending operator and receiving operator have entered into a written agreement with the carrier to shift that liability to the carrier at the stage of transportation.
- (3) Where the nuclear material has been sent to a person within the territory of a State that is not party to either the Paris Convention on Third Party Liability in the Field of Nuclear Energy or Vienna Conventions on Civil Liability for Nuclear Damage, or the Convention on Supplementary Compensation for Nuclear Damage, the sending operator is liable until the nuclear material has been unloaded from the means of transport by which it is sent and delivered to the receiving operator.
- (4) Where the nuclear material has been sent from a person within a State that is not party to either the Paris or Vienna Conventions on Nuclear Liability, or the Convention on

Supplementary Compensation, the receiving operator is liable only after the nuclear material has been loaded on the means of transport by which it is to be carried from the territory of that non-contracting State.

#### **124. Amount of liability**

The Council shall, based on internationally accepted principles, by statutory instrument, prescribe the minimum amount of liability of an operator of a nuclear installation and that of neighboring installation state.

#### **125. Insuring against nuclear liability**

(1) The operator of a nuclear installation shall maintain an insurance policy to cover the liability of the operator in the event of a nuclear damage proved to have been caused by the nuclear installation of the operator.

(2) The Council shall, in consultation with the Insurance Regulatory Authority established under section 10 of the Insurance Act, 2017 set the terms and conditions of an insurance policy covering liability for nuclear damage.

(3) An insurer shall not insure an operator against liability for nuclear damage, unless the operator possesses authorisation from the Council to operate the nuclear installation.

#### **126. Compensation**

(1) The nature, form and extent of compensation, as well as the equitable distribution of the compensation shall be in accordance with this Act.

(2) Where claims exceed or are likely to exceed the maximum amount required by the Council to be set aside by an operator for compensation for nuclear damage caused by a nuclear incident, the claims shall be settled in the following order-

- (a) claims for compensation for any loss of life or personal injury; and
- (b) claims for other loss or damage after all claims under paragraph (a) have been satisfied.

(3) Interest and costs awarded by the court for compensation for nuclear damage does not include the minimum liability amount required under the section 124 for purposes of sections 104, 105, 106, 107, 108 and 109.

#### **127. Limitation on right to compensation**

A person shall not make a claim for compensation for nuclear damage under this Act, if the action to establish the claim is not brought within-

- (a) three years from the date on which the person suffering damage had knowledge or ought reasonably to have had knowledge of the damage and of the operator liable for the damage, but in any case, not more than thirty years after the incident causing the damage;
- (b) thirty years from the date of the nuclear incident, in the case of loss of life or personal injury; or
- (c) ten years from the date of the nuclear incident, in the case of any other form of nuclear damage.

### **128. Jurisdiction over compensation**

(1) A claim made under this Act for compensation for nuclear damage caused by a nuclear incident occurring within the country or within the exclusive economic zone of the country shall lie to the High Court, as a court of first instance.

(2) A person who has a right to compensation for nuclear damage under this Act may bring an action for compensation against the operator or directly against the insurer.

### **129. Exceptions to liability**

(1) The operator of a nuclear installation is not liable for nuclear damage—

- (a) that is proved to be directly caused by any armed conflict, hostility, civil war or insurrection;
- (b) to the nuclear installation itself or any other nuclear installation, including a nuclear installation under construction on the site where the installation is located;
- (c) to any property on the same site with the nuclear installation which is used or to be used in connection with a nuclear installation; or
- (d) if the damage suffered by an individual is a result of an act done by that individual with an intent to do mischief.

(2) Where the operator proves that the nuclear damage resulted wholly or partly either from the gross negligence of the person suffering the damage or from an act or omission of the person done with intent to cause damage, the operator may be relieved, wholly or partly, from the obligation to pay compensation in respect of the damage suffered by that person.

### **130. Judgments**

The High Court shall recognise and enforce the final judgment by a foreign court awarding compensation for nuclear damage as if it were a judgment of the High Court, except where—

- (a) the judgment was obtained by fraud;
- (b) the party against whom the judgment was pronounced was not given a fair opportunity to present the case of the party; or
- (c) the judgment is contrary to public policy or does not accord with the rules of natural justice.

### **131. Non discrimination**

This Part shall apply to a person without discrimination on the basis of sex, race, color, ethnic origin, tribe, birth, creed or religion, social economic standing, political opinion or disability nationality or residence.

### **132. Annual levies of authorised persons.**

The Council, may by statutory instrument, make regulations to establish a graded levying system for minimum compensation for nuclear damage arising from an authorised practice.

PART XIX- OFFENCES INVOLVING RADIOACTIVE MATERIAL, NUCLEAR MATERIAL AND NUCLEAR FACILITIES

**133. Handling of radioactive material and nuclear material and device**

(1) A person who without authorisation, receive, transfer, alter or dispose of a radioactive material, a nuclear material or device-

- (a) with the intent to cause-
  - (i) death or bodily injury to a person, or
  - (ii) substantial damage to property or the environment, or
- (b) which causes or is likely to cause—
  - (i) death or bodily injury to a person, or
  - (ii) substantial damage to property or the environment,

commits an offence and is liable, on conviction, to a fine of not exceeding two thousand currency points or to a term of imprisonment for a term not exceeding twenty years, or to both.

(2) A person who-

- (a) steals a radioactive material or nuclear material, or
- (b) smuggles or fraudulently obtains a radioactive material or nuclear material,

commits an offence and is liable, on conviction, to a fine not exceeding one thousand four hundred currency points or imprisonment for a term not exceeding fifteen years, or to both.

(3) A person who demands a radioactive material, nuclear material or device from another person-

- (a) by use of threat;
- (b) by use of force; or
- (c) by any other form of intimidation under circumstances which indicate the imminence of the threat,

commits an offence and is liable, on conviction, to a fine not exceeding one thousand four hundred thousand currency or imprisonment for a term not exceeding fifteen years, or both.

**134. Unlawful use of radioactive material, nuclear material or device**

A person who uses or makes a threat to use-

- (a) radioactive material or device unlawfully; or
- (b) nuclear material or device unlawfully,

to compel another person, a State or an international organisation to do or refrain from doing any act, commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment for a term not exceeding fifty years, or both.



### **135. Offences relating to nuclear facilities**

(1) A person who-

- (a) damages a nuclear facility by interfering with the operation of that facility with the knowledge that the damage is likely to cause death or bodily injury, or substantial damage to property or the environment; or
- (b) does an act directed at a nuclear facility and in a manner that-
  - (i) results in the release of radioactive material; or
  - (ii) risks the release of radioactive material with the intent that the act will cause death or bodily injury, or substantial damage to property or the environment,

commits an offence and is liable, on conviction, to a fine not exceeding seven thousand one hundred currency points or imprisonment for a term not exceeding fifteen years, or both.

(2) A person who demands access to a nuclear facility-

- (a) by use of threat;
- (b) by use of force; or
- (c) by any other form of intimidation under circumstances which indicate the credibility of the threat,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment for a term not exceeding thirty years, or both.

(4) A person who engages in an act to sabotage a facility which uses-

- (a) radioactive material or device; or
- (b) nuclear material or device,

commits an offence and is liable, on conviction, to a fine not exceeding four thousand currency points or imprisonment for a term not exceeding fifty years, or to both.

### **136. Fees, fines, penalties and charges**

(1) The Authority may, in the performance of its functions under this Act, levy administrative fees, fines, penalties and charges.

(2) The fees, fines, penalties and charges referred to under subsection (1) shall be prescribed by the Authority by statutory instrument.

(3) Where a person does not make a payment under this Act on or before the time when the amount is payable, the person shall pay, as a penalty, a surcharge of five percent of the amount in default for each day of default.

### **137. Additional powers of court**

(1) Where a person is convicted of an offence under this Part, 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, nuclear material, apparatus, substance or article in respect of which the offence may have been committed.

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

### **138. Seizure**

The Council may, in addition to the penalties prescribed under this Act-

- (a) seize any nuclear material and radioactive material or any unlicensed device producing uncontrolled ionising radiation is subject to seizure; or
- (b) impound, seal, render inoperative, destroy or dispose any nuclear material and radioactive material or any unlicensed device producing uncontrolled ionising radiation,

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

## **PART XX- MISCELLANEOUS**

### **139. Registry of radiation sources**

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

### **140. 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 also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, 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.

### **141. 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) Every 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.

#### **142. 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.

#### **143. 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) administrative fines and charges;
- (i) regulation of nuclear installations and facilities;
- (j) the contents of records and reports relating to a practice as required by section 47(2);
- (k) particulars to be maintained in the register of authorisations required to be kept by the Council under section 49(1);
- (l) the management and disposal of radioactive waste and spent nuclear fuel;
- (m) the transportation of radioactive sources;
- (n) the storage of radioactive materials and sources;
- (o) radiation safety requirements for different practices; and (n) any other matter required to be prescribed under this Act.

#### **144. Guidelines**

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

#### **145. Repeal of Act 24 of 2008**

(1) The Atomic Energy Act, 2008 is repealed.

(2) Any statutory instrument made under the Atomic Energy Act, 2008 repealed under subsection (1) and which is in force immediately before the commencement of this Act, shall remain in force, so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act.

**146. Continuation of authorisations**

A licence issued under the Atomic Energy Act, 2008 repealed by section 146 and which is in force immediately before the commencement of this Act—

- (a) shall have effect from the commencement of this Act as if granted under this Act; and
- (b) in the case of an authorisation or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

**147. Transitional provision**

Notwithstanding anything in this Act, any person using radioactive material or a source before the commencement of this Act shall submit an application in the prescribed form within three months after the coming into force of this Act, and shall continue to operate until such time as an authorisation is issued or refused under this Act.

**148. Amendment of Schedules**

- (1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to these Regulations.
- (2) The Minister may, by statutory instrument, amend Schedule 2 to these Regulations.

## SCHEDULES

### SCHEDULE 1

*Section 3 and 148 (1)*

A currency point is equivalent to twenty thousand shillings.

## SCHEDULE 2

*Sections 10, 148(2)*

### MEETINGS OF THE COUNCIL

#### 1. Meetings of the 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 also 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 sub paragraph (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 five 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 the 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) A 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 a 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.

*Cross References*

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986.

Convention on Early Notification of a Nuclear Accident, 1986

Convention on the Physical Protection of Nuclear Materials, 1982

Convention on Supplementary Compensation for Nuclear Damage, 1997

National Environment Act, 2019

Paris Convention on Third Party Liability in the Field of Nuclear Energy, 1960

Vienna Conventions on Civil Liability for Nuclear Damage, 1997