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Radiation Safety and Security Act, 2024 – 8.

No. 8 of 2024. *Radiation Safety and Security Act, 2024.* Saint Christopher and Nevis.

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I assent,

MARCELLA ALTHEA LIBURD

*Governor-General.*5th June, 2024.**SAINT CHRISTOPHER AND NEVIS No. 8 of 2024**

AN ACT to provide for the safe, secure and peaceful use of radiation technology including nuclear technology; to give effect to the Convention on the Physical Protection of Nuclear Material and Safeguards Agreement between the Government of Saint Christopher and Nevis and the International Atomic Energy Agency; for the licensing of activities related to the control and use of nuclear technology and for the monitoring and control of radioactive

sources and for matters connected therewith or incidental thereto [*Published 20th June 2024, Official Gazette No. 18 of 2024.*]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short Title.

This Act may be cited as the Radiation Safety and Security Act, 2024.

2. Interpretation.

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 and safety;

“activities” includes activities comprising any of the following, namely:

- (a) the production, use, import and export of radiation sources for industrial, research and medical purposes;
- (b) the transport of radioactive material;
- (c) the siting, construction, commissioning, operation and decommissioning of facilities;
- (d) radioactive waste management;

(e) some aspects of the remediation of sites affected by residues from past activities; and

(f) any undertaking involving nuclear material; and

(g) any other undertaking subject to the Safeguards Agreement;

“Appeals Tribunal” means the Radiation Safety and Security Appeals Tribunal established under section 33;

“Bureau” means the Saint Christopher and Nevis Bureau of Standards referred to in section 3 of the Bureau of Standards and Quality Act, No. 19 of 2021;

“clearance” means the removal of radioactive material or radioactive objects within notified or licensed activities subject to licensing, from any further regulatory control by the Saint Christopher and Nevis Bureau of Standards;

“Committee” means the Committee for Radiation Safety and Security established under section 9;

“conditioning” means the operations that produce a waste package suitable for handling, transport, storage or disposal and may include the conversion of the waste to a solid waste form, enclosure of the waste in containers and if necessary, provision of an over pack;

“Convention” means the Convention on the Physical Protection of Nuclear Material, 1987, acceded to by Saint Christopher and Nevis in 2008 and the Amendment to the Convention on the Physical Protection of Nuclear Material, 2016;

“decommissioning” means the administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility;

“device” means any nuclear explosive device, or any radioactive material, dispersal or radiation emitting device, which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“discharge” means the planned and controlled release of radioactive material into the environment;

“disused source” means a radioactive source that is no longer used and is not intended to be used for the practice for which a licence had been granted;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“facility” means

(a) an irradiation installation, a radioactive waste management facility and any other place where radioactive material or radiation generators are produced, processed, used, handled, stored, or disposed of, or radiation generators are installed on such a scale that consideration of protection and safety from ionizing radiation is required; and

(b) for safeguard purposes,

(i) a reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, isotope separation plant, or separate storage installation; or

(ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used;

“health professional” means a person licensed or registered under the Medical Act; “IAEA” means the International Atomic Energy Agency;

“ionizing radiation” means higher frequency radiation that is capable of producing ion pairs in biological materials;

“licence” means a legal document issued by the Bureau granting authorization to perform activities, undertake practices or operate a facility under this Act;

“licensee” means the holder of a licence;

“Minister” means the Minister responsible for the Saint Christopher and Nevis Bureau of Standards;

“NEMA” means the National Emergency Management Agency referred to in section 10 of the National Disaster Management Act, Cap. 19.06;

“non-ionizing radiation” means a type of low-energy radiation that does not have sufficient energy to remove an electron from an atom or molecule;

“nuclear material” means—

(a) material containing—

(i) plutonium-239

(ii) uranium-233;

(iii) uranium rich in isotope 235 or 233;

(iv) uranium containing a mixture of isotopes occurring in nature other than in the form of ore or ore residue;

(b) any material containing one or more of the material in sub-paragraphs (i) to (iv); or

(c) any source material or any special fissionable material such as

(i) Cobalt-60;

(ii) Cesium 137;

(iii) Americium-241;

(iv) Iridium-192;

(v) Strontium-90;

(vi) Polonium-210; and

(vii) Iodine- 131;

“nuclear security” means the prevention of, detection of, and response to, criminal or intentional unauthorized acts involving or directed at nuclear material, other radioactive material, associated facilities, or associated activities;

“Nuclear Security Plan” means the primary documentation describing the physical protection system intended to meet the requirements specified by the Bureau, and specifies the information in the security plan that needs to be protected as sensitive information and how it should be protected;

“orphan source” means a radioactive source which is not under regulatory control, either because it has never been under regulatory control or because it has been abandoned, lost, misplaced, stolen or otherwise transferred without a proper licence;

“practice” means any human activity that introduces sources of exposure to radiation or additional 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;

“radiation safety plan” means a plan submitted under section 14 which demonstrates how the applicant intends to comply with the fundamental safety principles that apply to radiation sources and any other requirements of this Act, the regulations, and any condition of the licence;

“radiation generator” means a device capable of generating ionizing radiation, such as x-rays, neutrons, electrons or other charged particles that may be used for scientific, industrial or medical purposes;

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

“radioactive material” means—

- (a) material subject to regulatory control by the Bureau because of its radioactivity;
- (b) for the purposes of transport, material containing radionuclides where both the activity concentration and total activity in the consignment exceeds the values set out in Regulations made under section 80; and
- (c) any material that spontaneously emits ionizing radiation, including any naturally occurring radioactive material or any nuclear material;

“radioactive source” means a source containing radioactive material that is used as a source of radiation;

“radioactive waste” means waste that contains or is contaminated with, radionuclides at concentrations or activities greater than clearance levels as established by the Bureau;

“radioactive waste management” means all administrative and operational activities involved in the handling, pre-treatment, treatment, conditioning, transport, storage and disposal of radioactive waste;

“radioactive waste management facility” means a facility, the primary purpose of which is radioactive waste management, and which is licensed under Part IV;

“regulatory control” means any form of control or regulation applied to facilities, activities or practices by the Bureau for reasons relating to safety and radiation protection or to nuclear security;

“safety” means the protection of people and the environment against radiation risks, and the safety of facilities and activities that give rise to radiation risks;

“Safeguards Agreement” means the Agreement dated 7th May 1996 between the Government of Saint Christopher and Nevis and the IAEA for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons and the Protocol to that Agreement dated 19th May, 2014; and

“transport” means the deliberate physical movement of radioactive material from one place to another.

3. Application of Act.

(1) This Act applies in relation to all activities, facilities and practices involving the peaceful use of ionizing radiation in Saint Christopher and Nevis.

(2) Notwithstanding the generality of subsection 1, this Act shall also apply to non-ionizing sources of radiation used in medical facilities, in security scanning devices and for any other lawful purpose, to ensure that the operating environment for these sources has adequate shielding when a device is in operation and will be amenable to regulatory control under this Act.

4. Act to bind the crown. This Act binds the Crown.

5. Objects of Act.

The objects of this Act are to

- (a) establish a framework to protect the health and safety of people and protect the environment from the harmful effects of ionizing or non-ionizing radiation and to allow for the beneficial and peaceful uses of ionizing radiation and its applications;
- (b) provide for the adequate protection of people and the environment, against the harmful effects of ionizing radiation and for the safety and security of radiation sources;
- (c) enable Saint Christopher and Nevis to meet its obligations relating to radiation protection, safety, security, and nuclear non-proliferation, agreed under international instruments entered into by Saint Christopher and Nevis, in particular the IAEA Safeguards Agreement; and

- (d) establish and maintain the Bureau with sufficient independence and to effectively perform the functions and responsibilities set out in this Act.

PART II

Prohibitions

6. Prohibition of ionizing radiation.

The use of ionizing or non-ionizing radiation other than for peaceful purposes is prohibited.

7. Restrictions on importation of radioactive material.

A person shall not

- (a) import radioactive waste generated outside of Saint Christopher and Nevis into Saint Christopher and Nevis for any purpose; or
- (b) import any goods which have been contaminated with radioactive material into Saint Christopher and Nevis for any purpose if the level of contamination exceeds the prescribed threshold;
- (c) engage in any activity or practice related to the acquisition or development of nuclear explosives, radiological dispersal devices, or other non-peaceful uses of radioactive material or nuclear material or assist any other person in such activity;
- (d) develop, produce, otherwise acquire, stockpile or retain radioactive material or nuclear material for the purpose of producing a weapon;
- (e) transfer, directly or indirectly, radioactive material or nuclear material to another person for the purpose of producing a weapon;
- (f) engage in any military preparations to use radioactive material or nuclear material; or
- (g) assist, encourage or induce, in any way, another person or entity to engage in any activity which is set out in Article 7 of the Convention.

PART II

Bureau of Radiation Safety and Security

8. Radiation Safety and Security Body.

(1) The Saint Christopher and Nevis Bureau of Standards is established as the Regulatory Body for Radiation Safety and Security within the Federation of Saint Christopher and Nevis.

(2) The functions and responsibilities of the Bureau, with respect to this Act, are to

- (a) exercise regulatory control over activities, practices and facilities involving radiation sources;
- (b) define the exposures of persons to radiation sources that are excluded from the scope of application of this Act because they are not amenable to licensing or other regulatory control;

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- (c) advise the Minister on the development of national policies and measures for the regulatory control of facilities, activities and practices under this Act;
- (d) prepare and develop regulations and guidance necessary for the implementation of this Act, including the criteria for exemptions from regulatory control;
- (e) issue, amend, suspend or revoke licences and set conditions for practices and activities;
- (f) confirm the competence of personnel responsible for the safe and secure operation of facilities, activities and practices;
- (g) inspect, monitor and assess activities for the purpose of verifying compliance with this Act, regulations or the terms and conditions of licences;
- (h) enforce compliance with the provisions of this Act, regulations and licence conditions, and ensure that appropriate corrective actions are taken;
- (i) obtain the advice or views of experts necessary for the performance of its functions, inter alia, the hiring of consultants;
- (j) define the obligations, including financial ones, of persons or entities licensed to conduct activities and practices or operate facilities;
- (k) establish and impose fees or charges for licences;
- (l) establish and maintain
 - (i) a national register of radiation sources;
 - (ii) a national system for the registration of licences for nuclear material;
 - (iii) a national register of persons licensed to carry out activities or practices under this Act;

- (iv) such other registers that may be required from time to time for the purposes of this Act;
- (m) establish regulatory measures for the security of nuclear and other radioactive material and their associated facilities and activities, including measures for the detection, prevention and response to unauthorized or malicious acts involving such material or facilities;
- (n) participate in the threat assessment and the definition of the design basis threat for the implementation of security provisions;
- (o) cooperate with other relevant agencies in respect of the establishment and maintenance of a plan for preparedness for and responses to emergencies involving nuclear or other radioactive material, in accordance with the National Emergency Preparedness and Response Plan established under section 40;
- (p) cooperate with other public bodies and non-governmental bodies having competence in such areas as health and safety, environmental protection, security and transportation of dangerous goods;
- (q) establish appropriate mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety,

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health and environmental aspects of regulated activities and practices, including incidents, accidents and abnormal occurrences;

- (r) obtain information, documents and opinions from such persons as may be necessary and appropriate for the conduct of its functions;
 - (s) communicate directly with other public bodies in all circumstances it considers necessary for the effective exercise of its functions; and
 - (t) conduct any other functions that are necessary in its opinion to protect people and the environment of Saint Christopher and Nevis against the harmful effects of ionizing radiation.
- (2) As it pertains to international cooperation the Bureau shall
- (a) cooperate with the IAEA in the application of safeguards in accordance with the Safeguards Agreement and any Protocol thereto between Saint Christopher and Nevis and the IAEA, particularly the following:
 - (i) conducting of inspections and visits;
 - (ii) the carrying out of complementary access;
 - (iii) providing any assistance or information required by IAEA inspectors designated by the IAEA in the fulfilment of its responsibilities;
 - (b) establish the necessary reporting and record-keeping requirements pursuant to the Safeguards Agreement and any Protocols thereto between Saint Christopher and Nevis and the IAEA;
 - (c) establish and implement along with other relevant agencies as the Bureau deems fit, a system of control for the import and export of nuclear and other radioactive material, radiation sources, equipment, information and technology determined to be necessary to implement the relevant international commitments of Saint Christopher and Nevis;
 - (d) exchange information and cooperate with regulatory bodies in other States and with relevant international organizations concerning matters arising from the exercise of its functions.

(3) Subject to section 10, in exercising any of its functions under this Act, the Bureau of Standards shall not be subject to the control or direction of any unauthorised person or body.

9. Committee for Radiation Safety and Security.

- (1) There shall be established a Committee for Radiation Safety and Security.
- (2) The functions of the Committee shall be to
 - (a) review and advise the Bureau on applications for licensing of high category radiation sources;
 - (b) make recommendations to the Bureau on ways to improve the operations of the Bureau;
 - (c) do any other thing for the better carrying out of the functions of the Bureau.

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- (3) The composition of the Committee shall be as follows:
 - (a) the Director of the Bureau of Standards or his or her nominee;
 - (b) the Director of the Ministry responsible for environmental health or his or her nominee;
 - (c) the Director of the Solid Waste Management Corporation or his or her nominee;
 - (d) the Comptroller of Customs or his or her nominee;
 - (e) a senior representative of the St. Christopher and Nevis Air and Sea Ports Authority;

- (f) the Permanent Secretary of National Security or his or her nominee;
 - (g) the Director of the National Emergency Management Agency or his or her nominee; and
 - (h) the Director of Physical Planning or his or her nominee.
- (4) The Committee shall regulate its own proceedings.
- (5) Any advice provided by the Committee shall not relieve the Bureau of its responsibilities under this Act, other relevant laws and applicable regulations.

PART IV

Notification and Licensing

10. Notification of Proposed Activity.

- (1) A person who proposes to undertake an activity or practice shall notify the Bureau of his or her intention in the prescribed form and manner.
- (2) Upon receipt of a notification under sub-section (1), the Bureau shall, within seven days after receipt, make a determination as to whether the proposed practice or activity requires a licence.
- (3) Where the Bureau determines under sub-section (2) that—
- (a) a licence is necessary, the Bureau shall inform the person in writing, to submit an application in accordance with section 12; or
 - (b) a licence is not necessary, the Bureau shall inform the person in writing of that determination.

11. Prohibition of Activity or Practice without Licence.

- (1) Subject to the provisions of this Act and except pursuant to a licence, a person shall not undertake any activity or engage in any practice involving the importation, transportation or transfer, use, stockpiling, treatment, exposure to, exportation or disposal of sources of radiation.
- (2) A person who contravenes sub-section (1) commits an offence and shall be liable
- (a) on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a period not exceeding two years; or
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- (b) on indictment to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

12. Application for Licence.

- (1) Every person who is required to apply for a licence under this Act shall do so in the prescribed form and manner and submit that application to the Bureau.
- (2) The application in subsection (1) shall be accompanied by the prescribed application fee.
- (3) The Bureau may require an applicant to provide any further information that it considers necessary to determine the application.

13. Review of Licences.

- (1) Upon receipt of an application under section 12, the Bureau shall conduct a review and assessment of relevant information to determine whether facilities and activities or practices comply with regulatory requirements and the conditions specified in the licence.
- (2) Based on the conclusions of the review and assessment, and taking into account the graded approach as prescribed by regulations, the Bureau may
- (a) grant the licence, upon payment of the prescribed fee; or
 - (b) refuse to grant the licence on any of the grounds set out in section 16.

- (3) Where the Bureau refuses to grant a licence, it shall inform the applicant, in writing, stating the reasons for the refusal and the right of appeal under section 33.

14. Radiation Safety Plan.

- (1) The Bureau may, in writing, require an applicant for a licence to submit—
- (a) a radiation safety plan in respect of any radiation sources to which the application relates; or
 - (b) a nuclear security plan in respect of any radioactive sources to which the application relates.
- (2) A plan under sub-section (1) shall demonstrate how the applicant intends to comply with the fundamental principles of safety and nuclear security that apply to the sources of radiation, and the other requirements of this Act, the regulations, and any applicable codes of practice.
- (3) The content and format of a radiation safety plan and nuclear security plan shall be prescribed by regulations.

15. Publication of High Category Source Application.

(1) Where the Bureau receives an application for high category sources as prescribed, it may, on two successive occasions within four weeks after the receipt, publish notification of the application in the *Gazette* and in two newspapers in national circulation in Saint Christopher and Nevis, containing such information as may be prescribed.

(2) The Bureau, in issuing a licence under this Act, shall take into consideration any objections received.

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16. Refusal of Application.

The Bureau may refuse to grant an application for a licence, where—

- (a) the application contains or is based on a false or misleading representation or information which is false in a material particular;
- (b) the Bureau considers that the proposed activities or practices are unlikely to be conducted in a manner that adequately ensures the protection of people and the environment or would not be in the public interest, having regard to such factors as the Bureau considers relevant;
- (c) the Bureau is not satisfied that the applicant is suitably qualified or fit and proper to be a licensee, having regard to such criteria as may be prescribed;
- (d) the applicant has not developed an appropriate emergency preparedness and response plan approved by the Bureau; and
- (e) the applicant has not complied with this Act and any regulations.

17. Conditions of a licence.

The grant of a licence is subject to compliance by the licensee with such terms and conditions as the Bureau may specify.

18. Renewal of Licence

(1) A licensee may apply for renewal of a licence in the prescribed form and pay the prescribed fee within three months prior to the expiration of the licence or such longer period as the Bureau may determine.

(2) A licence shall be renewed if the Bureau is satisfied that—

- (a) there is the continued compliance by the licensee with this Act and any regulations;
- (b) there has been no material change in the circumstances which existed at the time the licence was granted; and
- (c) that the holder has satisfied such other requirements as may be prescribed.

19. Variation of Licence.

(1) The Bureau may vary a licence on its own initiative or on the application of the licensee.

(2) A variation may involve the imposition, modification, or the revocation, of a condition of the licence.

(3) A variation takes effect at the time of receipt of notification in writing by the licensee or at such later time as may be specified in the notification.

20. Non-Transferability, Validity and Suspension of Licence.

(1) A licence is non-transferable and shall only be valid for the period specified in the licence.

(2) A licence shall cease to be valid when any time limit established by regulations or condition of the licence has expired.

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(3) A licence may be relinquished by the licensee upon notice to the Bureau and upon determination by the Bureau that relinquishment will not jeopardize the protection of people or the environment.

(4) Subject to section 21, the Bureau may suspend a licence where the Bureau determines that—

- (a) the licensee has breached any provisions of this Act, regulations or any condition of the licence;
- (b) conditions under which the licence was issued can no longer be complied with; or
- (c) continued activity or the practice under the licence would pose an unacceptable risk to persons or to the environment.

(5) Notwithstanding the generality of subsection (4), a licensee who is in breach of the conditions of the licence, may be subject to an administrative fine payable to the Bureau of twenty thousand dollars and to a daily fine of two hundred dollars for every day that the licensee continues the breach or allows the breach to be continued.

21. Notice of Suspension or Non-Compliance.

(1) Where the Bureau intends to suspend a licence, the Bureau shall issue to the licensee

- (a) a notice of suspension in the prescribed form; or
- (b) a notice of non-compliance in accordance with this section.

(2) A Notice of Non-Compliance under sub-section (1) shall-

(a) contain information detailing—

- (i) the areas in which the licence is not complying with this Act, regulations or any conditions of the licence;
- (ii) the corrective action which is required to be done for the licensee to be compliant with this Act and any regulations; and
- (iii) the time frame under which all corrective actions should be completed; and

(b) state, that failure to complete required corrective actions may result in the suspension or revocation of the licence.

(3) Where a Notice of Non-Compliance is issued to a licensee, the licensee shall take such steps to remedy the defects stated in the Notice of Non-Compliance within the time frame specified.

(4) A licensee in respect of whom a Notice of Non-Compliance is issued under this section, shall within such time as determined by the Bureau, make the necessary enquiries as to the corrective action required to be completed.

(5) Where a licensee is unable to complete any or all of the corrective actions in the time frame set out in the Notice of Non-Compliance, the licensee shall inform the Bureau and the Bureau may extend the period specified in order for the work to be completed.

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(6) Subject to sub-section (5), where a licensee fails to complete any of the corrective actions specified in the Notice of Non-Compliance within the time frame specified, the Bureau may

- (a) charge the licensee an administrative fine pursuant to section 20(5);
- (b) suspend; or
- (c) revoke the licence in keeping with section 22.

22. Revocation of Licence.

(1) The Bureau may revoke a licence, where it is satisfied that—

- (a) in the case of an individual, the licensee has died, or has, since the grant of the licence, suffered from or is suffering from a mental or physical condition, which renders the licensee incapable of properly carrying out the activities or practices to which the licence relates;
- (b) the application for the licence, or any communication in relation to the licence, contains any false or misleading information or omits any material particular;
- (c) the licensee has failed to remedy the breach which gave rise to the suspension of the licence under section 24, within the time specified in the Notice of Non-Compliance;
- (d) the nature and scope of the operations of a facility have been so altered as to cause the area approved for radiation activity to cease to operate as a facility for the purposes of this Act;
- (e) any fee or other charge payable, under this Act, by the licensee remains unpaid for a period of ninety days after the suspension of the licence;
- (f) any of the grounds referred to in section 21 apply to the licensee.

(2) Before revoking a licence under sub-section (1), the Bureau shall notify the licensee in writing of the proposed revocation, stating the reasons for the revocation.

(3) Where a licence has been revoked, the licensee shall cease all practices and activities under the licence.

(4) The suspension or revocation of a licence shall not relieve the licensee of the responsibility for the safety and security of the facility, the radiation sources or any other radioactive material.

(5) A person who fails to cease all practices and activities after the revocation of a licence commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred thousand dollars or to a term of imprisonment not exceeding 3 years in prison.

(6) An applicant for a licence who wilfully, with an intent to mislead the Bureau, provides false or misleading information to the Bureau commits an offence and shall be liable on summary conviction to a fine of one hundred thousand dollars or to a term of one year in prison.

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23. Appointment of Inspectors.

PART V

Inspection

(1) For the purposes of this Act, the Minister may, having regard to such qualifications as may be prescribed, from time to time, appoint suitably qualified persons as inspectors, as recommended by the Director of Bureau of Standards having regard to such qualifications as may be prescribed.

(2) An inspector shall be under the general direction of the Bureau of Standards in the performance of his or her functions.

(3) The Bureau of Standards shall notify the appointments of inspectors in the *Gazette*.

24. Inspection Programme.

(1) The Bureau shall establish an inspection program based on a graded approach to monitor compliance with the requirements of this Act, any applicable regulations, and the conditions of licences issued under its purview.

(2) The inspection program includes programmatic, reactive, announced, and unannounced inspections.

(3) The Bureau shall establish qualifications for inspectors and a training program to ensure a high level of competence for inspectors.

(4) The Bureau shall ensure that the inspection program is supported by adequate financial, technical, and human resources to meet its objectives.

25. Identification Card.

(1) The Bureau shall issue each inspector with an identification card in the prescribed form.

(2) The identification card shall be issued to the inspector as soon as is reasonably practicable after the appointment is made.

(3) An inspector shall, at the request of a person in relation to whom the inspector intends to exercise any powers under this Act, produce for the inspection of the person his identification card.

(4) An inspector shall, on ceasing to be an inspector for any reason, immediately return his identification card to the Bureau.

26. Duties and Powers of Inspectors.

(1) An inspector may, for any reasonable purpose in the execution of this Act, and subject to the direction of the Bureau—

(a) inspect facilities and activities to verify compliance with this Act, applicable regulations and conditions of licence;

(b) investigate any incident or accident involving radiation sources, nuclear material or any other radioactive material;

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(c) question any person who has duties which in the view of the inspector may be pertinent to the inspection being carried out;

(d) enter premises and vehicles at any time with or without the consent of the owner;

(e) keep such records as may be specified by the Bureau, and for that purpose obtain information about the status of the radiation safety and nuclear security of a facility;

(f) confiscate unlicensed devices; and

(g) perform such other functions as may be prescribed or as may be authorized by the Bureau for the purposes of this Act.

(2) An inspector may, at any time, take for analysis—

(a) sufficient samples of any material which he or she suspects to be contaminated; and

(b) any equipment which he or she suspects to be defective.

(3) A person who obstructs or hinders an inspector in the carrying out of his duties under this section commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand dollars or six months in prison or to both such fine and imprisonment.

(4) Where an inspector takes action under this section, the inspector may

(a) immediately order the temporary suspension of the activity or the practice;

(b) order the licensee to prohibit employees who do not meet applicable requirements, from engaging in the activity or practice;

(c) order that nuclear or radioactive material originating from a suspended activity or practice be safely and securely stored; and

(d) require that corrective action be taken.

(5) Where an inspector takes any action under sub-section (1), the inspector shall, within twenty-four hours of taking such action, make a report to the Bureau of his findings and any actions taken by him.

(6) A report under sub-section (2) shall include—

(a) relevant findings and identify the evidentiary basis for the findings;

(b) measurements;

(c) test results;

(d) explanations; and

(e) any other information the inspector deems relevant.

27. Validity of decisions of inspectors.

Where an inspector takes action under section 26, the decision of the inspector remains in force unless and until—

(a) it is withdrawn by the inspector;

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(b) reversed or modified by the Bureau; or

(c) altered through an appeal under section 33.

28. Report on actions taken.

(1) A report submitted under section 26 shall be made available to the licensee affected, who shall have the right to submit explanations or objections within seven days of the issuance of the report.

(2) All inspection results shall be documented and recorded as part of the management system of the Bureau.

29. Limitations on personal liability.

An inspector is not personally liable for any act carried out in the due performance of his or her functions.

30. Enforcement action.

PART VI

Enforcement and Penalties

Where a licensee is found to be in non-compliance with this Act, regulations or conditions of the licence, the Bureau shall take the necessary enforcement actions commensurate with the seriousness of the non-compliance or the violation.

31. Fixed Penalty.

(1) This section shall apply to an offence specified in the Schedule.

(2) Where circumstances giving rise to a reasonable belief that a person has committed an offence to which this section applies exist, an inspector may give a notice, in writing in the form prescribed, offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) A person shall not be liable to be convicted of the offence if the fixed penalty is paid in accordance with this section and the requirement in respect of which the offence was committed is complied with before the expiration of fifteen days following the date of the notice referred to in subsection (2) or such longer period, if any, as may be specified in that notice or before the date on which proceedings are begun, whichever event last occurs.

(4) Where a person is given notice under this section in respect of an offence, proceedings shall not be taken against the person for that offence until the end of the fifteen days following the date of the notice or such longer period, if any, as may have been specified in the notice.

(5) Payments of a fixed penalty are to be made to the Bureau and in any proceedings, a certificate that payment of a fixed penalty was or was not made to the Bureau by a date specified in the certificate shall, if the certificate purports to be signed by the Director of the Bureau, be admissible as evidence of the facts stated in the notice.

(6) A notice under subsection (2) of this section shall

(a) specify the offence alleged;

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(b) give such particulars of the offence as are necessary for giving reasonable information of the allegation;
and

(c) state the period, whether fifteen days or a longer period, during which, by virtue of subsection (4), proceedings will not be taken for the offence.

(7) The fixed penalty for the offences specified in the Schedule shall be the penalty specified therein in relation to such offences.

(8) In this subsection “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice referred to in subsection (2).

32. General Penalty.

Any person who contravenes any of the provisions of this Act for which no penalty is specifically provided commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars.

33. Appeals Tribunal.

(1) There is established a tribunal to be known as the Radiation Safety and Security Appeals Tribunal to hear appeals against any regulatory decision of the Bureau, may appeal to the Tribunal by way of the prescribed notice of appeal within twenty-one days of the decision, or within such longer period as the Tribunal may allow.

(2) Any such appeal shall not have the effect of suspending the decision by the Bureau.

PART VII

Radiation Protection and Safety

34. Applicable Principles for Radiation Protection and Safety.

(1) Radiation protection and safety activities shall be based on the following fundamental principles:

- (a) the justification principle, that is to say, the activity or practice must produce sufficient benefit to exposed persons or to society in a manner that offsets the detriment or harm that it may cause, taking into account social, economic and other relevant factors;
- (b) the optimization principle, that is to say, in relation to radiation exposures from any activity or practice, radiation protection measures should ensure that doses, the number of persons exposed, and the likelihood of incurring exposure are at all times kept as low as reasonably achievable, taking into account social and economic factors; and
- (c) the dose limitation principle, that is to say, activities and practices which shall be conducted in a manner that ensures that the total dose that a person may experience does not exceed any prescribed dose limit, so that no person is subject to an unacceptable risk attributable to radiation exposure.

(2) For the purposes of this Part, the expression, “dose” refers to the amount of radiation that a person is exposed to.

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35. Regulations for Protection of Persons from injury.

(1) The Minister may, in consultation with the Bureau, make regulations for the protection of persons from injury arising from exposure to sources of radiation.

(2) The Minister, in consultation with the Bureau, shall prescribe dose limits for persons that may not be exceeded in conducting activities or practices.

(3) Any dose limits that are prescribed pursuant to subsection (2), shall take into account any recommendations of the IAEA and the International Commission on Radiation Protection.

(4) The Minister, in consultation with the Bureau, may prescribe clearance levels or values below which radioactive material or nuclear material or radioactive objects within authorized activities and practices can be released from regulatory control.

(5) The Bureau may, make regulations, exempting radiation sources or practices from regulatory control based on the following criteria–

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

36. Requirements for Radiation Protection.

(1) The Bureau shall prescribe requirements for radiation protection that shall be met before any activity or practice can be licensed.

(2) These requirements shall include, amongst other things, the following:

- (a) that the licensee possesses an adequate understanding of the fundamental principles of radiation protection as specified in section 34;
- (b) that the licensee will take all steps necessary for the protection and safety of workers and the public by keeping doses below the relevant threshold and ensuring that all reasonable steps are taken to minimize adverse effects on the population, at present and in the future;
- (c) that the licensee will plan and implement the technical and organizational measures including a management system to ensure adequate safety against radiological hazards;
- (d) that the licensee will prepare and implement an appropriate emergency plan;
- (e) that the licensee will ensure compliance with the dose limits prescribed by the Bureau and will monitor the radiation exposure of workers;
- (f) that the licensee possesses adequate human and financial resources to conduct the proposed activity or practice in a manner that ensures safety and security;

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- (g) that the licensee has established a management system to enhance safety and to foster a strong safety culture;

- (h) that the licensee has made adequate financial arrangements for radioactive waste management, and potential liability for radiological damage;
- (i) that the licensee will provide access by inspectors of the Bureau to locations necessary for the performance of their duties;
- (j) that the licensee will not modify its conduct of any licensed activity or practice in a manner that could affect the protection of workers, patients, the public or the environment without seeking the approval of the Bureau; or
- (k) that the licensee will provide, upon request or pursuant to the requirements in regulations, all information considered to be necessary by the Bureau.

37. Obligations of Licensee.

(1) A licensee or other person that carries out an activity or engages in a practice shall operate in accordance with the provisions of section 35 and the fundamental principles of radiation protection and safety specified in section 34 and 36 and the Bureau shall not licence or keep licensed any person who does not so operate.

(2) A licensee shall be primarily responsible for ensuring safety.

(3) A licensee and any other party having responsibility for safety shall ensure compliance with the requirements and dose limits prescribed by the Bureau and shall ensure that radiation doses for workers and the public, including doses from releases into the environment, are as low as reasonably achievable, taking into account social and economic factors.

38. Medical Practices.

The Bureau shall, with respect to medical practices, in addition to the requirements set out in sections 35 and 36, prescribe—

- (a) the qualification and training for users of ionizing radiation;
- (b) the measures to protect patients, including the justification of practices and optimization exposures;
- (c) the performance criteria for radiation generators.

39. Protection of patients.

(1) A licensee shall ensure that no patient is administered a diagnostic or therapeutic exposure unless the exposure is prescribed by a medical practitioner who is assigned the responsibility and obligation for ensuring overall patient protection and safety in the prescription and during the delivery of medical exposures.

(2) A medical radiological practitioner shall inform the patient of the expected benefits and risks of such exposure and shall take all the prescribed measures to protect the patient.

(3) A person responsible for the medical practice shall ensure that there are arrangements in place for appropriate radiation protection in cases where a female patient is or might be pregnant or is breast-feeding.

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PART VIII

Emergency Preparedness and Response

40. National Emergency Preparedness and Response Plan.

(1) NEMA shall, in consultation with the Bureau, develop a National Emergency Preparedness and Response Plan for nuclear and radiological emergencies which it shall review periodically, at intervals of not more than three years.

(2) The National Emergency Preparedness and Response plan shall assign responsibilities for a systematic, coordinated, and effective response to a radiological emergency.

(3) The Bureau shall provide the necessary advice to NEMA for effective response to any emergency which may have consequences of radiation exposure.

(4) An emergency preparedness and response plan shall include:

- (a) an assessment of the nature, likelihood, and potential magnitude of resulting damage, including the population and territory at risk from an accident, malicious act, or incident; and
- (b) the result of any accident analyses and any lesson learned from experience or incidents and accidents that have occurred in connection with similar activities or practices.

41. Emergency Plan for Licensee Applicant.

(1) Subject to section 14, an applicant for a licence shall develop an appropriate emergency plan to be submitted as part of the application.

(2) The grant of a licence under this Act shall, among other things, be conditional upon the approval of the emergency plan of an applicant.

(3) Where the Bureau approves an emergency plan established by a licensee, and a radiological emergency occurs, the licensee shall be required to implement that plan.

(4) A licensee shall periodically review, update, and test the emergency plan that was approved by the Bureau.

42. Requirements for Emergency Plans.

(1) An emergency preparedness and response plan under section 41 shall include

- (a) a requirement that a licensee immediately notify the Bureau of any situation or incident that could pose a risk of radiological injury requiring emergency response;
- (b) an allocation of responsibilities for notifying the relevant emergency response organization and for initiating response;
- (c) intervention levels for protective action and the scope of their application, taking into account the possible severity of emergencies that could occur;
- (d) procedures including communication arrangements for contacting and obtaining assistance from NEMA;

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- (e) a description of the methodology and instrumentation for assessing an emergency situation and its consequences;
- (f) criteria for terminating each protective action;
- (g) provisions for training of emergency responders and for conducting practical exercises, as appropriate, to test the adequacy of the plan and to ensure that all parties that may be involved in emergency responses are adequately informed and prepared for possible emergencies; and
- (h) provisions for providing prior information to members of the public who could reasonably be expected to be affected by an emergency.

(3) Where a radiological emergency occurs that poses a risk that radioactive contamination could spread beyond the boundaries of Saint Christopher and Nevis, the Bureau shall immediately notify the IAEA and the relevant authorities of any State which is, or may be physically affected by a release that could be of radiological significance for that State.

PART IX

Nuclear Security and Physical Protection

43. Regulations for Physical Protection.

(1) The Minister shall, in consultation with the Bureau, establish by regulations the requirements for the physical protection of nuclear and other radioactive material, including—

- (a) categorization of nuclear and other radioactive material based on an assessment of the damage that could result from theft or diversion of a certain type and quantity of material from authorized uses, or from sabotage of a facility in which nuclear and other radioactive material is, used, handled, stored or disposed of;
- (b) protection measures necessary for different categories of material;
- (c) accounting and control measures for nuclear and other radioactive material;
- (d) licensing requirements and procedures that include licence conditions for physical protection;
- (e) inspection and monitoring measures to verify compliance with applicable nuclear security requirements;
- (f) enforcement measures in case of non-compliance with applicable regulations or licence conditions; and
- (g) management system that the licensee shall apply to enhance nuclear security and to foster a strong security culture.

(2) Nuclear security measures shall be adopted based on a domestic threat assessment.

44. Safety and Security of Radioactive Sources.

(1) The licensee shall be primarily responsible for ensuring the nuclear security of radioactive material and related facilities pursuant to applicable regulations and licence conditions.

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(2) Where there has been theft, threat of theft, loss or loss of control over radioactive material, the licensee responsible for the safety of that radioactive material or related facilities shall—

- (a) notify the Bureau without delay of the incident and the circumstances;
- (b) provide a written report, including particulars to the Bureau as soon as practicable after giving notification under paragraph (a); and
- (c) provide the Bureau with any additional information requested.

45. Notification of threats to other States et al.

(1) Where the Bureau has been made aware of theft, robbery, unlawful taking or appropriation of control over, or other credible threat of unlawful taking of or appropriation of control over nuclear or other radioactive material, the Bureau shall

notify other States and international organizations that may be affected by the circumstances of the incident.

(2) In addition to notification under sub-section (1), the Bureau shall determine the necessary cooperation and assistance arrangements in the recovery and protection of the nuclear or other radioactive material to be agreed with any State or international organization that so requests.

(3) The Bureau shall provide information on incidents involving theft, robbery or any other unlawful taking of nuclear or other radioactive material, equipment, and technology to the IAEA.

46. Unlawful handling of radioactive or nuclear material.

(1) A person commits an offence who, without authorisation, receives, possesses, transfers, alters or disposes of radioactive or nuclear material or possesses a device with intention to cause—

- (i) death or serious bodily injury; or
- (ii) substantial damages to property or the environment; or
- (iii) which causes or is likely to cause death or serious injury to any person or substantial damage to property or the environment.

commits an offence and shall be liable on indictment to a fine not exceeding five million dollars or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

47. Theft, Fraud, Threats, Unlawful Transfer or Exportation of radioactive or nuclear material.

(1) A person commits an offence who—

- (a) steals nuclear or other radioactive material;
- (b) embezzles or fraudulently obtains nuclear or other radioactive material; or
- (c) carries, sends, or moves nuclear or other radioactive material into or out of Saint Christopher and Nevis by any means without authority.

(2) Where a person commits an offence pursuant to subsection (1) he or she shall be liable

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- (a) on summary conviction to a fine not exceeding two hundred thousand dollars or to a term of imprisonment not exceeding five years or to both; or
- (b) on indictment to a fine not exceeding one million dollars or to imprisonment for a term not exceeding ten years or to both.

(2) A person who threatens to commit an offence under sub-section (1)(a) in order to compel a national or legal person, international organization or State to do or refrain from doing any act commits an offence.

(3) A person who demands nuclear or other radioactive material or a device by threat or use of force, or by any other form of intimidation, under circumstances which indicate the credibility of the threat commits an offence.

(4) Where a person commits an offence under subsections (2) or (3), he or she shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding three years or to both.

48. Proliferation Financing

(1) A person who, by any means, directly or indirectly, wilfully provides or collects funds, or attempts to do so, with the intention or in the knowledge that such funds are to be used in whole or in part for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear weapons and their means of delivery commits the offence of financing of proliferation.

(2) Where a person commits an offence pursuant to subsection (1), he or she shall be liable on

- (a) summary conviction to a fine not exceeding five hundred thousand dollars or to a term not exceeding ten years imprisonment or to both.
- (b) indictment to a fine not exceeding two million dollars or to imprisonment for a term not exceeding fifteen years imprisonment or to both.

49. Unlawfully breaking or removing a seal.

Every person who, without reasonable excuse, opens, alters, breaks or removes any seal placed by an authorized Bureau on a radiation source or its container or device, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years or to both.

50. Use or dispersal of radioactive or nuclear material.

(1) A person commits an offence who, without authority, uses or disperses in any manner radioactive or nuclear material or uses or makes a device

- (a) with the intention to cause
 - (i) death or serious bodily injury; or
 - (ii) substantial damage to property or the environment;

to compel a natural or legal person, an international organization, or a State, to do or refrain from doing an act; or

- (b) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment.

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(2) A person who commits an offence pursuant to sub-section (1) is liable on indictment to a fine not exceeding five million dollars and to a term of imprisonment not exceeding twenty years.

51. Confidentiality.

(1) A person with an official duty or employed in the administration of this Act shall

- (a) regard and deal with as secret and confidential, all information, books, records or other documents relating to the functions of the Bureau, in accordance with any law in force dealing with secrecy of government information; and
- (b) maintain, after the termination of the duty or employment, the secrecy and confidentiality of all information, books, records or other documents relating to the functions of the Bureau, in accordance with the provisions of any law in force dealing with secrecy of government information.

(2) Any person to whom information is communicated pursuant to this Act shall regard and deal with such information as secret and confidential, except in the case of an investigative authority in the course of an investigation or to the extent otherwise provided in any other law.

(3) Every person referred to in sub-section (1) or (2) having possession of or control over any information, book, record or other document, who at any time communicates or attempts to communicate any such information or anything contained in such book, record or document to any person, otherwise than for the purposes of this Act or

(a) to any person, other than

- (i) an Bureau nominated by the Bureau; or
- (ii) an investigative authority, or a law enforcement agency or regulatory authority in a jurisdiction outside Saint Christopher and Nevis; or
- (iii) otherwise than pursuant to a court order, commits an offence.

(b) a person who communicates information to someone else, knowing that the information would prejudice nuclear security including the physical protection of radioactive material, or associated facility,

commits an offence.

(4) Where a person commits an offence under this section, he or she shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years or to both.

52. Jurisdiction.

Saint Christopher and Nevis shall have jurisdiction over offences under the following circumstances

- (a) when the offence is committed in Saint Christopher and Nevis or on board a ship or aircraft registered in Saint Christopher and Nevis;

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- (b) when the alleged offender is a national or permanent resident of Saint Christopher and Nevis;
- (c) when the alleged offender is present in Saint Christopher and Nevis; and
- (d) when an act is done outside Saint Christopher and Nevis if the act is done in the course of the international transport of radioactive material or nuclear material or a radiation generator and the shipment originate in Saint Christopher and Nevis or Saint Christopher and Nevis is the ultimate destination.

PART X

Specific Provisions

53. Safety and Security of radioactive sources.

(1) The Bureau shall, by regulation, develop a system of control over radioactive sources and devices in which the sources are incorporated to ensure that they are safely managed and securely protected during and at the end of their useful lives.

(2) The Bureau shall, by regulations, using internationally recognized guidance, adopt a categorization of sources based on potential injury to people and the environment that could result if the radioactive sources are not safely managed or securely protected.

54. National Register of radiation sources.

(1) The Bureau shall establish and maintain a national register of radiation sources.

(2) The Bureau shall establish the categories of radiation sources required to be included in the national register.

(3) The Bureau shall adopt measures to protect information contained in the national register to ensure the safety and security of these sources.

(4) A person who alters the national register without approval of the Bureau commits an offence.

55. Export, import and transit of radioactive sources.

(1) The Bureau shall develop regulatory requirements and procedures for the licensing of the export, import and transit of radioactive sources from, to or through the territory of Saint Christopher and Nevis.

(2) The procedures established under sub-section (1) shall provide for an evaluation of information to ensure that a recipient is licensed to receive the requested source and has the capacity to ensure its safety and security.

(3) For applications to export high level category sources as prescribed by regulations, the Bureau shall satisfy itself, in so far as practicable, that the importing State has the appropriate technical and administrative capability, resources and regulatory structure for the safe and secure management of the requested sources.

56. Security measures for radioactive sources.

(1) The Bureau shall establish requirements for security measures to deter, detect and delay the unauthorized access to, or the theft, loss or unauthorized use or removal of radioactive sources during all stages of their management.

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(2) Security measures under sub-section (1) shall be based on a domestic threat assessment.

57. Loss of control over radioactive sources.

(1) As a condition of each licence, the licensee shall promptly report any loss of control over radioactive sources, or any other situation, or incident in connection with a radioactive source that may pose a significant risk of radiological injury to persons or substantial damage to property or the environment.

(2) A licensee that acts in contravention of subsection (1), commits an offence and shall in addition to having the licence suspended or revoked, be liable on summary conviction to a sum not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding two years.

(3) The Bureau shall coordinate with specified public bodies in the development of a national plan to be approved by the Minister, for promptly gaining or regaining control over orphan sources.

(4) The Bureau shall determine, through regulations, requirements for the management of disused sources including, reuse or recycling, long-term storage and disposal and return to a supplier as prescribed in section 58(2).

58. Liability Insurance.

(1) The Bureau shall prescribe requirements for liability insurance for licensees having regard to the risks associated with the use of radioactive sources and based on the type of activity being conducted.

(2) The Bureau shall determine the categories of sources for which a contract with the supplier for the return of the sources at the end of its useful life is required.

(3) Where the Bureau determines that a source, subject of an application for a licence is required to be returned to the supplier at the end of its useful life, it shall be a condition of the licence issued under this Act that a contract between the licensee and the supplier contains provisions for the supplier to take back the disused source.

(4) The Bureau shall prescribe regulatory requirements and procedures for the licensing of the export, import and transit of radioactive sources from, to or through the territory of Saint Christopher and Nevis.

59. Transportation of radioactive material.

(1) The licensee shall have the primary responsibility for ensuring the safety and security of radioactive material during its transportation.

(2) The Bureau shall prescribe requirements for the transport of radioactive material to, from and within the jurisdiction of Saint Christopher and Nevis, which shall take into account the technical requirements of the IAEA Regulations for the Safe Transport of Radioactive Material and shall include measures for the physical protection of radioactive material consistent with the IAEA nuclear security guidance documents.

(3) Where a licensee fails to comply with the requirements for safety and transportation pursuant to subsection (1), he or she commits an offence and shall be liable

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(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for three years or to both such fine and imprisonment; or

(b) on indictment to a fine not exceeding one million dollars or to imprisonment for a term not exceeding ten years.

60. Radioactive waste management policy.

A national policy and strategy for radioactive waste management shall be initiated by the Bureau and approved by the Minister.

61. Management of radioactive waste.

(1) The Bureau shall prescribe requirements for a safe management of radioactive waste, including its categorization, conditioning, treatment, storage and disposal.

(2) The Bureau shall ensure continuous regulatory control over radioactive waste from its generation to final disposal, including institutional controls.

(3) The prime responsibility for ensuring the safety and security of radioactive waste rests with the holder of the relevant licence.

(4) The Bureau shall prescribe requirements and procedures for transfer of responsibilities considering interdependencies among all steps of radioactive waste management.

62. Principles for management of radioactive waste.

At all stages in the management of radioactive waste in Saint Christopher and Nevis, the following principles shall be applied by all persons and entities including government bodies

- (a) that people and the environment are adequately protected against radiological and other hazards;
- (b) that the generation of radioactive waste is kept to a minimum;
- (c) that the interdependence among the different steps of radioactive waste management is taken into account;
- (d) that protective measures for radioactive waste management are implemented in a manner that reflects internationally recognized criteria, standards and guidance, specifically those adopted by the IAEA;
- (e) that biological, chemical and other hazards that may be associated with radioactive waste management are adequately addressed;
- (f) that actions imposing reasonably predictable impacts on future generations greater than those permitted for the current generation are avoided;
- (g) that undue burdens on current and future generations are avoided; and
- (h) that appropriate funding arrangements are in place.

63. Exportation of radioactive waste.

(1) Radioactive waste generated within Saint Christopher and Nevis may be exported only upon the issuance of a licence by the Bureau.

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(2) Radioactive waste shall not be licensed for export to a destination without approval from the receiving member state.

64. Decommissioning.

(1) The Bureau shall prescribe

- (a) the criteria for decommissioning of a facility or a device in which a high category source is used or stored; and
- (b) the necessary requirements for the completion of such decommissioning.

(2) The licensee shall make financial arrangements to cover the costs associated with safe decommissioning, including management of the resulting waste.

PART XI

Safeguards

65. Implementation of Safeguards Agreement.

(1) The Bureau shall ensure the implementation of the obligations of Saint Christopher and Nevis arising from the Safeguards Agreement and any protocols thereto.

(2) The Bureau shall

- (a) verify the implementation of the obligations of Saint Christopher and Nevis arising from the instruments referred to in sub-section (1);
- (b) collect and provide to the IAEA the information required to fully implement the Safeguards Agreement;
- (c) facilitate access by IAEA inspectors within Saint Christopher and Nevis;
- (d) coordinate with other relevant governmental bodies in connection with the provision of information to the IAEA in connection with the Safeguards Agreement.

66. Cooperation in the application of safeguard measures.

All national security agencies in Saint Christopher and Nevis shall cooperate fully with the IAEA in the application of safeguards measures, including by–

- (a) promptly providing all necessary information under the Safeguards Agreement and any protocols thereto;
- (b) providing access to locations as required by the Safeguards Agreement and any protocols thereto;
- (c) providing support to the Bureau and IAEA inspectors in the performance of their tasks;

(d) rendering to the Bureau and IAEA inspectors all necessary services in connection with their inspections.

67. System of accounting and control of nuclear material.

The Bureau shall ensure the effective implementation of safeguards in Saint Christopher and Nevis by establishing and implementing a State System of Accounting for and Control of Nuclear Material (SSAC).

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68. Regulations.

PART XIII

Miscellaneous and Transitional

(1) The Bureau may, with the approval of the Minister, make Regulations prescribing anything required to be prescribed under this Act.

(2) Regulations made under this Act may provide that any breach or contravention of any such regulation may be punishable on summary conviction by a fine not exceeding one hundred thousand dollars or to imprisonment for a period not exceeding two years, or both.

(3) Notwithstanding the generality of subsection (1), regulations may provide for

- (a) the licensing requirements not provided for under this Act;
- (b) fees;
- (c) the categorization of radiation sources, nuclear and radioactive material and the types of facilities;
- (d) requirements for radioactive waste management, including requirements and procedures for transfer of responsibilities considering interdependencies among all steps of radioactive waste management and requirements for the management of disused sources;
- (e) the inspection requirements and procedures not provided for under this Act;
- (f) the exemptions from regulatory control;
- (g) dose limits for persons that may not be exceeded;
- (h) clearance levels or values below which radioactive material or within licensed activities and practices can be released from regulatory control;
- (i) the financial obligations of persons or entities licensed to conduct activities under this Act;
- (j) the exposures of persons to ionizing radiation excluded from the scope of application of this Act;
- (k) the requirements in respect of registers established under this Act;
- (l) the requirements for the establishment and maintenance of
 - (i) a system of accounting for and control of nuclear material;
 - (ii) a national system for the registration of licences for nuclear material; and
 - (iii) content and format of the safety and nuclear security plans;
- (m) the reporting and record-keeping requirements required pursuant to the Safeguards Agreement and any Protocols thereto;
- (n) establishment of regulatory measures for the security of nuclear and other radioactive material and their associated facilities and activities including measures for the detection, prevention and response to unauthorized or malicious acts involving such materials or facilities;

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- (o) the method for the exchange of information and cooperation with regulatory bodies in other States and with other relevant international organizations concerning matters arising from the exercise of the functions of the Bureau;
- (p) the mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety, health and environmental aspects of regulated activities and practices, including incidents, accidents, and abnormal occurrences;
- (q) requirements of high category sources for decommissioning; or
- (r) composition of the Committee for Radiation Safety and Security.

(4) Regulations may

- (a) refer to or incorporate, wholly or partially and with or without modification, any established code or standard that is in force at a particular time or from time to time; and
- (b) be of general application or limited according to time, place or circumstances.

(5) Where a code or standard is referred to or incorporated in regulations, evidence of the contents of the code or standard may be given in any legal proceedings by production of a document apparently certified by the Bureau to be a true copy of the code or standard.

69. Transitional.

(1) As from the commencement date, the provisions of this Act shall be applied to all pending applications for licences, permits or other authority.

(2) Any licences, permits or other authority granted prior to the commencement date in respect to any regulated activity shall continue to be valid, so, however, that they shall expire, at the latest, ninety days after the commencement date, if it has not then expired.

(3) Any person engaging in a regulated activity on the commencement date shall apply for a licence as required in this Act within ninety days after the commencement date or such longer period as the Bureau may, in writing allow.

(4) The Bureau may, by notice in writing, vary or revoke any licences, permits or other authority granted prior to the commencement date in respect of any regulated activity, to the extent that it is inconsistent with this Act.

Radiation Safety and Security Act, 2024 – 8.

SCHEDULE

LANEIN BLANCHETTE
Speaker

Passed by the National Assembly this 9th day of May, 2024.

TREVLYN STAPLETON
Clerk of the National Assembly

GOVERNMENT PRINTERY ST. KITTS, W. I.