

Radiation Safety and Nuclear Security (Appeal) Regulations 2019

GN No. 51 of 2019

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THE RADIATION SAFETY AND NUCLEAR SECURITY ACT 2018

Regulations made by the Minister under sections 25 and 43 of the Radiation Safety and Nuclear Security Act 2018

1. These regulations may be cited as the **Radiation Safety and Nuclear Security (Appeal) Regulations 2019**.

2. In these regulations —

“Act” means the Radiation Safety and Nuclear Security Act 2018;

“Chairperson” means the Chairperson of the Appeal Committee;

“Secretary” means the secretary of the Appeal Committee.

3. (1) The notice of appeal under section 25(1) of the Act shall be in the form set out in the First Schedule
be in the

(2) The notice of appeal shall be accompanied by a non-refundable fee of 5,000 rupees.

4. The Secretary shall -

(a) keep a record of the proceedings of the Appeal Committee;

(b) keep in safe custody the papers and documents of the Appeal Committee, including any document or exhibit produced before the Appeal Committee;

(c) record statements of witnesses called before the Appeal Committee; and

(d) perform such other duties as the Appeal Committee may assign to him.

The notice of appeal under section 25(1) of the Act shall form set out in the First Schedule.

5. The Secretary shall, 10 days before the hearing of the appeal, give a notice in writing to the appellant, to the Authority or any other party of the date, time and place fixed for the hearing of the appeal.

6. The Appeal Committee shall endeavour to avoid formality in its proceedings.

7. A party to the appeal may, at the hearing, be represented by a barrister or an Attorney or with leave of the Appeal Committee, be assisted by a person having expertise in the subject matter of the appeal.

8. (1) Where at the hearing of an appeal, or at any continuation or adjournment of the appeal, the appellant or other party —

(a) does not appear; and

(b) does not sufficiently excuse his absence,

after having been duly notified of the date of hearing, the appeal shall, upon proof of the service of the notice under paragraph (5), be heard on a day to be fixed by the Appeal Committee.

(2) Where a hearing is fixed under paragraph (1), no notice of the day of the hearing shall be required to be served upon the other party.

9. (1) The Secretary shall, within 3 days of the determination, communicate a certified copy of the determination to Minister.

(2) The Minister shall —

(a) on the advice of the Appeal Committee, affirm, vary or reverse the decision of the Authority; and

(b) inform the appellant, Authority and any other party of his decision on the appeal

under section 25(1) within

21 days of the communication of the determination to him.

10. The Chairperson, every other member of the Appeal Committee and the Secretary shall, on assumption of duty, take an oath as specified in the Second Schedule.

11. These regulations shall come into operation on 19 March 2019.

Made by the Minister on 18 March 2019.

FIRST SCHEDULE

[Regulation 10]

OATH

I,, being appointed as Chairperson/ Member/Secretary of the Appeal Committee, make oath/solemnly affirm/declare that I shall discharge my duties under the Radiation Safety and Nuclear Security Act 2018 without fear or favour or ill will, I shall deal with and regard all information and documents to which I have access to as confidential and I shall not, on any account and at any time, disclose, except where it is strictly necessary for the performance of my duties, any confidential information or document. I will regard and deal with all documents and information to which I have access as secret and confidential.

Before me

.....

Date

.....

District Magistrate

SECOND SCHEDULE

[Regulation 3]

**NOTICE OF APPEAL UNDER SECTION 25(1) OF THE RADIATION SAFETY AND
NUCLEAR SECURITY ACT 2018**

1. Name of appellant
2. Address of appellant.....
3. The appellant appeals against a decision of the Radiation Safety and Nuclear Security Authority dated.....
4. Particulars of the decision against which appeal is made —
 - (a)
 - (b)
 - (c)
5. Grounds of appeal (to be set out clearly and concisely) —
 - (a)
 - (b)
 - (c)
6. Lists of documents, if any,

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.....

.....
Signature

.....
Date

FOR OFFICE USE ONLY

Date on which application was received

Name of receiving officer

Remarks

.....
Signature

.....
Date