

THE PROTECTION FROM RADIATION ACT, 2001

ARRANGEMENT OF SECTIONS

*Section
No*

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SIGNED this 25th day of *January*, 2002.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS



No. 14

2001

Sierra Leone

The Protection from Radiation Act, 2001

Short title.

Being an Act to protect the public and workers from dangers resulting from the use of devices or materials capable of producing ionizing radiation and for other related purposes.

/ Date of commencement.

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

PART I—PRELIMINARY

Interpretation.

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

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

“facility” means an assembly of devices, equipment, structures or natural features, whether simple or complex, which serves some purposes or performs some function, in the course of which ionizing radiation is, or is capable of being created;

“ionizing radiation” means electromagnetic or corpuscular radiation, consisting of protons or particles capable of producing ions directly or indirectly, in its passage through matter;

“irradiating device” means an apparatus capable of producing ionizing radiation;

“Minister” means the Minister responsible for energy and power;

“owner” means the person having administrative control over a radiation source;

“public” means any person not designated as a worker;

“radiation source” means any irradiating device or radioactive material;

“radio-active material” means any material emitting ionizing radiation of sufficient intensity to entail significant risk of disability or disease as a result of exposure;

“Registrar” means the person appointed as such under section 6;

“waste” includes a substance which constitutes scrap material or an effluent or other unwanted surplus substance arising from the application of any process, and also includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt;

“workers” includes all persons potentially exposed to ionizing radiation as a result of their occupation.

PART II—ADMINISTRATION

2. There is hereby established a body to be known as the Protection from Radiation Board (in this Act referred to as “the Board”).

Establishment
of Board.

3. (1) The Board shall consist of—

Composition
of Board.

- (a) the Dean of the Faculty of Pure and Applied Sciences, Fourah Bay College who shall be the chairman;
- (b) the Head, Division of Radiology and Nuclear Medicine, Ministry of Health;
- (c) the Permanent Secretary, Ministry of Energy and Power;
- (d) the Principal, College of Medicine and Allied Health Sciences;
- (e) the General Manager, National Power Authority;
- (f) the Director-General of Medical Services, Ministry of Health and Sanitation;
- (g) the Director, Environment Protection Department, Ministry of Lands, Housing and the Environment;

- (h) the Director, Standards Bureau, Ministry of Trade and Industry;
- (i) the Solicitor-General;
- (j) a representative of the Physics Department, University of Sierra Leone;
- (k) the Comptroller of Customs; and
- (l) the Director of Mines, Ministry of Mineral Resources.

(2) Members of the Board shall be appointed by the President and on such terms and conditions as may be stipulated in their letters of appointment.

(3) The Registrar shall be the secretary to the Board.

Functions of Board.

4. The Board shall—

- (a) have responsibility for all matters relating to the use and disposal of irradiating devices or radio-active materials to ensure protection of the public and workers from danger resulting from ionizing radiation;
- (b) assist Government in formulating policies on the safe use and disposal of irradiating devices or radio-active materials;
- (c) establish and operate a system to control importation, exportation, manufacture, possession, sale of or any dealing in irradiating devices or radio-active materials;
- (d) establish and maintain a register or registers of importers, exporters, manufacturers, users and operators of devices or materials capable of producing ionizing radiation;

- (e) carry out, facilitate or promote the carrying out of research aimed at the evaluation and development of better methods for the protection of the public and workers from ionizing radiation;
- (f) prepare contingency plans to avert or deal with accidents involving radiation; and
- (g) do all such other things as it may think incidental to or necessary for the performance of its other functions under this Act.

5. (1) The Board shall meet for the despatch of business at such time and place as the chairman may determine.

Meetings of Board.

(2) Subject to this Act, the Board shall regulate the procedure for its meetings.

(3) The quorum for a meeting of the Board shall be seven.

(4) Decisions of the Board shall be taken by a simple majority of the members present and voting and in the event of equality of votes the chairman or other member presiding shall have a casting vote.

(5) The Board may co-opt any person to advise it on any matter before it but such person shall not vote on any matter for decision by the Board.

6. (1) The Board shall appoint a person with relevant knowledge and expertise as Registrar of the Board.

Registrar and Secretariat of Board.

(2) The Board shall have a Secretariat which shall comprise the Registrar as chief executive officer and head of the Secretariat and such other employees as the Board shall consider necessary for the efficient performance of its functions.

7. (1) Subject to this Act, the Registrar shall be responsible to the Board for—

Functions of Registrar.

- (a) the day-to-day administration of the Board;
- (b) the recording of the minutes of meetings of the Board;
- (c) the supervision of the discipline and work of the other employees; and
- (d) the performance of such other duties as the Board may determine.

Establishment
of Radiation
Protection
Fund.

8. (1) There is hereby established a fund to be known as the Radiation Protection Fund.

(2) The Radiation Protection Fund shall consist of-

- (a) such sums as may be provided by Parliament, by way of appropriation, grant or loan;
- (b) such donations, grants, bequests or loans as the Board may from time to time receive from any person or organisation;
- (c) such sums accruing to the Board by way of licence fees or other payments charged in respect of any services rendered by the Board and for which fees may be charged under this Act;
- (d) such other sums or property which may vest in the Board under this Act or any other enactment or which may vest in the Board in any other manner in the performance of its functions.

(3) The Radiation Protection Fund shall be applied for meeting the expenses of the Secretariat of the Board and for the purposes for which the Board is established by this Act.

(2) The Radiation Protection Fund shall be managed and controlled by the Registrar who shall for that purpose be accountable to the Board.

PART III — PROTECTION AGAINST RADIATION

Control of
radiation.

9. (1) Except as otherwise provided in this Act, no person shall—

- (a) manufacture or otherwise produce;
- (b) possess or use;
- (c) dispose of, lease, loan or deal in;

- (d) import or cause to be imported; or
- (e) export or cause to be exported,

any irradiating device or radio-active material unless he is granted a licence issued under this Act.

(2) No person shall sell or otherwise transfer ownership in any irradiating device or radio-active material unless at the time of the sale or transfer the purchaser or other transferee produces to the seller a licence issued by the Board authorising him to use, possess or deal in that type of irradiating device or radio-active material.

(3) For the purposes of subsection (1), an irradiating device or radio-active material shall be deemed to have been exported when it is placed on a ship, aircraft, vessel or any vehicle within Sierra Leone for the purposes of export.

10. (1) An application for the issuance or renewal of a licence under this Act shall be made in the prescribed form, to the Board. Application for licences.

(2) After receiving an application for a licence or renewal of a licence the Board may, on payment of the prescribed fee, issue to the applicant the appropriate licence or renew the licence if the Board is satisfied that the applicant has the proper personnel or appropriate facilities required to operate or safely install, use or store the irradiating device or radio-active materials.

(3) A licence issued under this section shall—

- (a) be in the prescribed form;
- (b) authorize the licensee to own, purchase, acquire, import, export, possess, sell or deal in, install, use or dispose of, as may be required, irradiating devices, radioa-ctive materials or other sources of ionizing radiation;
- (c) be valid for such period as the Board may determine;
- (d) contain such conditions as the Board may think necessary for the safe use or disposal of irradiating devices or radio-active materials.

11. A licence issued under this Act may—

- (a) be modified in its terms, suspended or revoked if in the opinion of the Board the modification, suspension or revocation is necessary for the purposes of public safety;

Modification, revocation etc. of licences.

- (b) be cancelled, suspended or revoked by the Board if the holder fails to comply with the conditions contained in the licence or laid down in this Act or regulations made thereunder;

and where a licence is cancelled, suspended or revoked the holder shall take such steps as may be recommended by the Board to ensure that no radiation hazards occur.

Appeals.

12. (1) An applicant or licensee may appeal to the Minister against the cancellation, suspension, revocation, or refusal to grant or renew a licence, within fourteen days after a notice given to him to that effect.

(2) The Minister shall within 30 days after the receipt of an appeal under subsection (1) make an order as he thinks proper and the order shall be final.

Register.

13. (1) The Registrar shall maintain a Register in the prescribed form in which he shall record such particulars relating to licences issued under this Act.

(2) The Registrar shall, with the specific or general approval of the Board effect changes in particulars and rectify any clerical errors in the Register or other document containing extracts from the Register.

Application of
ionizing
radiation to
persons.

14. (1) No person shall cause ionizing radiation to be applied to any other person for the purpose of diagnosing or treating a disease unless the application is prescribed by a medical or dental practitioner registered under the Medical and Dental Practitioners Act, 1994.

(2) No person shall administer or cause to be administered ionizing radiation to any other person unless he holds a valid licence issued under this Act.

Liability of
public
authorities in
respect of
radio-active
apparatus and
installations:

Act No. 12
of 1994.

15. For the purposes of this Act, any department of Government, public or statutory body, board or local authority which for the purposes of performing its functions uses or is required to use radiation shall comply with the provision of this Act in the same manner and to the same extent as any other person using radiation.

Offences.

16. (1) Any person who—

- (a) wilfully obstructs another person in the exercise of that person's duties in pursuance of this Act;
- (b) without reasonable excuse fails to produce a licence or other document required to be produced by this Act;
- (c) wilfully withholds any information as to the ownership or management of a radiation source;
- (d) wilfully prevents or attempts to prevent any person from giving information as to the ownership or management of a radiation source, or
- (e) gives information which he knows to be untrue or has no reason to believe to be true,

commits an offence and shall be liable on conviction to a fine not exceeding five million leones or to imprisonment for a term not exceeding two years or to both the fine and imprisonment.

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

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

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

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

Regulations.

17. The Minister may, after consultation with the Board, by statutory instrument, make regulations for carrying out the purposes of this Act particularly—

- (a) the precautions to be taken to prevent injury being caused by ionizing radiation to the health of persons employed in places where irradiating devices or radio-active materials are manufactured, stored or disposed of or of persons likely to be exposed to harmful radiation;
- (b) the methods of disposing of radio-active waste products;
- (c) the precautions to be taken to prevent injury being caused by the transportation of irradiating devices or radio-active materials, to the health of persons engaged therein and other persons;
- (d) the manner in which and the conditions subject to which irradiating devices or radio-active materials may be stored or used;
- (e) the making of returns by owners and persons in possession of irradiating devices, radio-active materials or other sources of ionizing radiation giving such details as may be required; and
- (f) the fees payable in respect of any licence.

PASSED in Parliament this 29th day of *November*, in the year of our Lord two thousand and one.

J. A. CARPENTER,
Clerk of Parliament.

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

J. A. CARPENTER,
Clerk of Parliament.