

2. All mission hospitals, clinics or similar institutions in respect of orders countersigned by a Provincial Medical Officer.

3. All the hospitals, clinics or similar institutions in which the Republic has or retains more than fifty per centum interest, having a medical practitioner on their staff or whose orders have been countersigned by a Chief Medical Officer.

4. Institutions of the Department of Veterinary and Tsetse Control Services of the Ministry of Rural Development whose orders for substances are countersigned by a Veterinary Surgeon.

REPUBLIC OF ZAMBIA

THE IONISING RADIATION ACT

CHAPTER 311 OF THE LAWS OF ZAMBIA

CHAPTER 311 THE IONISING RADIATION ACT CHAPTER 311

THE IONISING RADIATION ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation
3. Application
4. Exemption

PART II

RADIATION PROTECTION BOARD

5. Establishment of Board
6. Composition of Board
7. Tenure of office of members of Board
8. Meetings of Board
9. Agenda
10. Minutes of Board meetings to be kept
11. Chairman may act for Board in certain cases

12. Recommendations to be made by Board to Minister

PART III

RADIOISOTOPE ADVISORY COMMITTEE

13. Establishment of Radioisotope Advisory Committee

14. Composition of Committee

15. Tenure of office of members of Committee

16. Meetings of Committee

17. Minutes of Committee meetings to be kept

18. Functions of Committee

PART IV

OFFICERS OF THE BOARD

19. Appointment of officers of Board

20. Powers of Radiation Protection Officers

PART V

LICENCES TO USE SOURCES OF RADIATION

Section

21. Licence to use radioactive material

22. Responsibility of licence holder

PART VI

RADIATION PROTECTION SERVICE

23. Radiation Protection Service

PART VII

MISCELLANEOUS PROVISIONS

24. Offences and penalties

25. Evidence

26. Regulations

CHAPTER 311

IONISING RADIATION¹⁹ of 1972

13 of 1994

An Act to establish the law relating to the protection of the public and workers from dangers arising from the use of devices or materials capable of producing ionising radiation; and to provide for all matters incidental to or connected with the foregoing.

[1st May, 1975]

PART I

PRELIMINARY

1. This Act may be cited as the Ionising Radiation Act. Short title

2. In this Act, unless the context otherwise requires— Interpretation

"Board" means the Radiation Protection Board established under section five;

"Committee" means the Radioisotope Advisory Committee;

"dangerous ionising radiation" means ionising radiation of sufficient intensity as to entail significant risk of disability or disease as a result of exposure;

"disease" includes injury and bodily or mental deficiency or abnormality;

"exposure" means exposure to ionising radiation from sources both external and internal to the human body or incorporated within the body;

"facility" means any assembly of devices, equipment, structures or natural features whether simple or complex which serves some specific purpose or performs some function;

"ionising radiation" means electromagnetic or corpuscular radiation capable of producing ions directly or indirectly in its passage through matter;

"Radiation Protection Officer" means a radiation protection officer appointed under this Act and includes the Chief Radiation Protection Officer;

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

"radioisotope" means radionuclide and is applied to any radioactive matter when identifying the significant nuclear species of radioactive atoms present;

"workers" include all persons potentially exposed to dangerous ionising radiation or radioactive material as a result of their occupation.

3. (1) The Board may, by statutory order, apply the provisions of this Act to sources of electromagnetic radiation other than X-rays and gamma rays. Application

(2) Unless otherwise provided in this Act or in regulations made thereunder, material shall not be considered radioactive if it contains radioactivity of less than 0.1 microcuries or if there is no portion of it in which concentration

exceeds 0.002 microcuries per gram of material.

4. The Minister may, on the recommendation and advice of the Board (which may set higher limits for exemption in the case of material known to contain only the less dangerous radionuclides), by statutory order, exempt any material which contains radioactive matter of less than specified limits from the provisions of this Act. Exemption

PART II

RADIATION PROTECTION BOARD

5. There is hereby established a Board to be known as the Radiation Protection Board. Establishment of Board

6. (1) The Board shall consist of the following members: Composition of Board

- (a) a person appointed by the Minister as the chairman of the Board;
- (b) the Chief Radiation Protection Officer appointed by the Minister as the secretary of the Board;
- (c) an advocate appointed by the Minister responsible for legal affairs;
- (d) a medical practitioner appointed by the Minister;
- (e) a public officer appointed by the Minister on nomination by the National Council for Scientific Research;
- (f) a scientist appointed by the Minister on nomination by the Vice-Chancellor of the University of Zambia;
- (g) a public officer appointed by the Minister on a nomination by the Minister responsible for mines and mining development;
- (h) a public officer appointed by the Minister on nomination by the Minister responsible for rural development;
- (i) a public officer appointed by the Minister on nomination by the Minister responsible for defence;
- (j) a public officer appointed by the Minister on nomination by the Minister responsible for home affairs;
- (k) a public officer appointed by the Minister on nomination by the Minister responsible for lands and natural resources;
- (l) a public officer appointed by the Minister on nomination by the Minister responsible for labour and social services;
- (m) a public officer appointed by the Minister on nomination by the Minister responsible for education;
- (n) a public officer appointed by the Minister on nomination by the Minister responsible for power, transport or works.

(2) No person shall be appointed as a member of the Board-

(a) while he is an undischarged bankrupt; or

(b) while he is serving a sentence of imprisonment upon conviction for an offence.

7. (1) A member of the Board shall hold office for a period of five years from the date of his appointment or reappointment, as the case may be. Tenure of office of members of Board

(2) A retiring member shall be eligible for reappointment.

(3) On the expiration of the period for which a member is appointed or reappointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.

(4) The office of a member shall be vacated if he-

(a) dies;

(b) is adjudged bankrupt or makes a composition with his creditors;

(c) is absent from three consecutive meetings of the Board without special leave of the chairman;

(d) resigns his office;

(e) is disabled from performing his functions on the Board on account of physical or mental illness or any other cause;

(f) is unable to perform his functions as a member of the Board on account of his absence from the Republic or any other cause;

(g) is convicted of an offence under any written law and sentenced therefor to imprisonment without the option of a fine.

(5) The Board may exercise its powers and perform its duties notwithstanding any vacancy in its membership.

8. (1) The Board shall meet at such times and places as it deems expedient for the transaction of its business. Meetings of Board

(2) The chairman shall preside at all meetings of the Board and in his absence such member of the Board as the members present may appoint shall preside.

(3) At every meeting of the Board five members shall constitute a quorum.

(4) The chairman shall, in addition to his deliberative vote as a member of the Board, have a casting vote.

9. (1) The secretary shall, in consultation with the chairman, prepare an agenda which shall be distributed to all members of the Board at least five days prior to each ordinary meeting. Agenda

(2) Where any item of the agenda is deemed to be of significance to any Ministry not represented on the Board, the secretary shall notify and invite the Permanent Secretary of that Ministry or his representative to attend that

meeting, who shall participate in the meeting in all respects as if he were a member of the Board.

10. The Secretary shall cause details of all business transacted at any meeting of the Board to be entered regularly in a minute book kept for that purpose and the minutes of the proceedings of each meeting shall be submitted to the Board for confirmation at a subsequent meeting of the Board and, if passed as correct, shall be confirmed by the signature of the chairman and when so confirmed shall be prima facie evidence in any court as an accurate record of the proceedings. Minutes of Board meetings to be kept

11. The chairman may, in consultation with the advocate referred to in section six (1) (c) and the Chief Radiation Protection Officer, act for and in lieu of the Board in any matter of urgency but any such action shall be referred to the Board at its next meeting for its information and approval. Chairman may act for Board in certain cases

12. Subject to the provisions of this Act, the Board shall make recommendations to the Minister on all matters concerning-

(a) the assurance that all activities involving the use of devices or materials capable of producing dangerous amounts of ionising radiation are carried out in such a manner as to avoid danger to the public or to workers concerned or limit risks to those acceptable as a matter of public policy;

(b) the allocation of priorities and co-ordination of activities in connection with maintenance of safety in the use of devices or materials producing ionising radiation and associated matters to make the best use of available resources, taking into account the needs of the country and alternative methods of achieving equivalent results;

(c) any amendments to be made to this Act or regulations to be made thereunder. Recommendations to be made by Board to Minister

PART III

RADIOISOTOPE ADVISORY COMMITTEE

13. There is hereby established a Committee to be known as the Radioisotope Advisory Committee. Establishment of Radioisotope Advisory Committee

14. (1) The Committee shall consist of the following members: Composition of Committee

(a) a scientist appointed by the Board on nomination by the National Council for Scientific Research;

(b) scientists, not exceeding four in number, appointed by the Board on nomination by the Vice-Chancellor of the University of Zambia;

(c) a radiologist appointed by the Board on nomination by the Medical Council of Zambia;

(d) an engineer or other specialist concerned with safety in mines appointed by the Board on nomination by the Minister responsible for mines and mining development;

(e) an engineer or other specialist concerned with safety in factories appointed by the Board on nomination by the Minister responsible for labour and social services;

(f) an engineer or other specialist concerned with the safety of transport appointed by the Board on nomination by the Minister responsible for power, transport and Works;

(g) scientists, engineers or other specialists from bodies or institutions concerned with the use or handling of devices or material producing ionising radiation, not exceeding six in number, appointed by the Board on nomination received from such bodies or institutions at the invitation of the Board;

(h) a scientist concerned with environmental protection appointed by the Board;

(i) the Chief Radiation Protection Officer who shall be the secretary of the Committee.

(2) The members present at the first meeting of the Committee shall elect a chairman from among themselves and the secretary shall call such meeting and shall preside over the meeting for that purpose.

(3) No person shall be appointed as a member of the Committee-

(a) while he is an undischarged bankrupt; or

(b) while he is serving a sentence of imprisonment upon conviction for an offence.

15. (1) A member of the Committee shall hold office for a period of three years from the date of his appointment or reappointment, as the case may be. Tenure of office of members of Committee

(2) A retiring member shall be eligible for reappointment.

(3) On the expiration of the period for which a member is appointed or reappointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.

(4) The office of a member shall be vacated if he-

(a) dies;

(b) is adjudged bankrupt or makes a composition with his creditors;

(c) is absent from three consecutive meetings of the Committee without special leave of the chairman;

(d) resigns his office;

(e) is disabled from performing his functions on the Committee on account of physical or mental illness or any other cause;

(f) is unable to perform his functions as a member of the Committee on account of his absence from the Republic or any other cause;

(g) is convicted of an offence under any written law and sentenced therefor to imprisonment without the option of a fine.

(5) The Committee may exercise its powers and perform its duties notwithstanding any vacancy in its membership.

16. (1) The Committee shall meet at such times and places as it deems expedient for the transaction of its business. Meetings of Committee

(2) Special meetings of the Committee may be called-

(a) on the request of the Board;

(b) on the request of four members of the Committee if any urgent matter arises for consideration by the Committee.

(3) The secretary of the Committee shall, in consultation with the chairman, prepare an agenda which shall be distributed to all members of the Committee not less than four days before each meeting.

(4) The chairman of the Committee may invite an expert, other than a member of the Committee, to attend and participate in the discussion on any matter in which in the opinion of the chairman such expert may make a useful contribution, having regard to his expertise in that matter.

17. The secretary shall cause details of all business transacted at any meeting of the Committee to be entered regularly in a minute book kept for that purpose and the minutes of the proceedings of each meeting shall be submitted to the Committee and, if passed as correct, shall be confirmed by the signature of the chairman and when so confirmed shall be prima facie evidence in any court as an accurate record of the proceedings. Minutes of Committee meetings to be kept

18. (1) The Committee shall advise the Board-Functions of Committee

(a) on matters referred to it by the Board;

(b) on measures necessary for ensuring public safety in the use of radioisotopes or devices capable of producing ionising radiation in dangerous amounts, including the safety of the user and other workers;

(c) on all other matters of a technical nature on which the Committee is competent to advise.

(2) The Committee may itself initiate studies or inquiries concerning the safe use of radioisotopes or devices producing ionising radiation and may recommend measures, including the expenditure of funds in support of such work, to the Board.

PART IV

OFFICERS OF THE BOARD

19. (1) The chairman of the Board shall be appointed by the Minister. Appointment of officers of Board

(2) The Chief Radiation Protection Officer, the Legal Adviser to the Board and such other officers as may be necessary for carrying into effect the provisions

of this Act shall be appointed by the Public Service Commission as public officers.

(3) The chairman of the Radiation Protection Board shall be directly responsible to the Minister for-

(a) implementing the provisions of this Act;

(b) conveying to the Minister the recommendations of the Board.

(4) The chairman of the Radiation Protection Board may delegate or assign to any officer appointed under this section any or all of his powers and duties conferred or imposed upon him under this Act, but, in so doing, he shall not thereby divest himself of the right to exercise concurrently all or any of such powers and duties.

(5) The Chief Radiation Protection Officer shall be secretary of the Board and of the Committee and-

(a) shall perform the duties conferred upon him by this Act or any other written law and such other duties as may be assigned to him by the chairman of the Board;

(b) shall be responsible for taking all measures necessary to ensure that the Board is at all times adequately informed as to the existing state of radiation safety and as to any developments in connection with radiation safety.

20. (1) The Chief Radiation Protection Officer or any Radiation Protection Officer shall, for the purpose of the execution of the provisions of this Act, have the power to do all or any of the following, that is to say: Powers of Radiation Protection Officers

(a) to enter, inspect and examine any premises or any part thereof, vehicle, vessel, boat, aircraft or any carriage of any description in or upon which he has reasonable cause to believe that radioactive material or any source of dangerous ionising radiation is stored, used, transported or disposed of;

(b) to require the production of any licence authorising the use of radioactive material or sources of dangerous ionising radiation and any register, certificate, notice or document kept in pursuance of this Act, and to inspect, examine or take a copy thereof;

(c) to make such examinations and inquiries as may be necessary to ascertain whether the provisions of this Act are being complied with;

(d) to examine, either alone or in the presence of any other person as he thinks fit, any person with respect to matters under this Act or to require such person to be so examined: Provided that no person shall be compelled to answer any questions or give any evidence tending to incriminate himself;

(e) in the case of a Radiation Protection Officer who is a medical practitioner, to carry out such medical examinations as may be necessary in the discharge of the duties imposed upon him by this Act;

(f) to exercise such other powers as may be necessary for carrying the provisions of this Act into effect.

(2) The owner of any radioactive material or any source of dangerous ionising radiation, his agent, employee or servant shall furnish the means required by a Radiation Protection Officer as may be necessary for entry, inspection, examination, inquiry, the taking of samples or otherwise for the exercise of his powers under this Act.

(3) Any person who-

(a) wilfully delays a Radiation Protection Officer in the exercise of his powers under this section;

(b) without reasonable excuse, fails to comply with the requirements of a Radiation Protection Officer made in pursuance of the provisions of this section;

(c) without reasonable excuse, fails to produce any register, certificate, notice or document which he is required by or in pursuance of the provisions of this Act to produce;

(d) wilfully withholds any information as to who is the owner or responsible for the management of any radiation source; or

(e) wilfully conceals, prevents or attempts to conceal or prevent a person from appearing before or being examined by a Radiation Protection Officer;

shall be deemed to have obstructed a Radiation Protection Officer in the execution of his duties under this Act.

(4) Where a Radiation Protection Officer is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to be arrested without warrant, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding five years, or to both

(5) Every Radiation Protection Officer shall be furnished with a certificate of his appointment signed by or under the authority of the Minister and, when visiting a place to which the provisions of this Act apply, shall, if so required, produce the said certificate to the occupier or person holding a responsible position of management or control of the facility at such premises in which the radiation source is believed to be present or to exist.

(6) A Radiation Protection Officer shall treat as confidential the source of any complaint bringing to his notice any contravention of any of the provisions of this Act and shall give no intimation to the owner or his representative that a visit of inspection was made in consequence of such complaint.

(7) Every person employed in the administration of this Act shall treat as secret and confidential any information of a type normally considered subject to professional, commercial, trade or industrial secrecy, the revelation of which is not necessary for the implementation of this Act, and any person who discloses such information to any other person in contravention of any provision of this section, whether such a person is or has ceased to be employed in the administration of this Act or not, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(As amended by Act No. 13 of 1994)

PART V

LICENCES TO USE SOURCES OF RADIATION

21. (1) Any person who intends to use radioactive material or other sources of dangerous ionising radiation shall apply to the Board for an appropriate licence. Licence to use radioactive material

(2) An application for a licence to use radioactive material or other source of dangerous ionising radiation shall be in the prescribed form and shall be submitted to the Chief Radiation Protection Officer who shall prepare the appropriate licence.

(3) The Chief Radiation Protection Officer shall submit the application for a licence and the appropriate licence prepared by him under subsection (2) to the Committee for its scrutiny, and the Committee shall then transmit the licence to the Board together with the proposed amendments (if any) and the Board shall finally determine the form and contents of the licence:

Provided that, in any case where the chairman of the Radiation Protection Board and the Chief Radiation Protection Officer are satisfied that, having regard to the urgency of the matter and other circumstances of the case, a provisional licence should be issued, such licence may be issued, valid only until the meetings of the Committee and Board next following the date of issue of the provisional licence.

(4) A licence issued under this section-

(a) shall be in the prescribed form;

(b) shall be issued by the Board to a person as owner or as the appropriate responsible officer of an institution, partnership, corporation or government body;

(c) may contain such conditions as the Chief Radiation Protection Officer may deem necessary to impose for the safe conduct of the proposed operation, process or facility and for the safe disposal of all radioactive wastes and radioactive material resulting from the proposed operation, process or facility; such conditions may be either specific or take the form of general requirements to meet prescribed standards or codes of practice published supplemental to this Act, or standards or codes of practice published by internationally recognised bodies including the International Commission on Radiological Protection and the International Atomic Energy Agency, or any combination of such conditions:

Provided that any person using radioactive material or some other source of dangerous ionising radiation prior to the commencement of this Act may, if he submits his application in the prescribed form within three months from the commencement of this Act, continue to use the same unless his application is refused and the refusal is communicated to him;

(d) shall be specific with regard to the process, operation or facility;

(e) shall authorise the purchase or acquisition by other means, the importation, production, possession, transport, storage, use and disposal as required, of specified quantities and kinds of radioactive material or other

source of dangerous ionising radiation required for the operation, process or facility specified;

(f) may cover the separate acquisition or importation of diverse or repeated lots of radioactive material if they are all listed on the licence and are to be used solely in the licensed process, operation or facility.

(5) A licence issued under this section-

(a) may be amended at any time on written notice by the Chief Radiation Protection Officer if, in his opinion, such amendment is necessary for the purposes of safety;

(b) may be suspended or revoked by the chairman of the Radiation Protection Board if the holder thereof fails to comply with the conditions contained in the licence or laid down in this Act or in any regulations made thereunder.

(6) Where a licence is suspended, the holder thereof shall take such steps as may be recommended by the Chief Radiation Protection Officer to ensure that no radiation hazards occur during the period of suspension.

22. (1) The holder of a licence shall be responsible to ensure that any operation, condition of storage, transport or disposal shall not result directly or indirectly in exposure to ionising radiation in such an amount as likely to cause harmful effects to the public, to his employees, other workers or other users or to property owned either by the Government or private persons. Responsibility of licence holder

(2) Any owner or user of radioactive material or source of dangerous ionising radiation for which he holds no valid licence shall be answerable for any harmful effects arising from the possession, storage, transport, use or disposal of such radioactive material or source of dangerous ionising radiation, and such answerability shall continue with regard to any such material after it has been seized, impounded, stored or disposed of by the Chief Radiation Protection Officer or a person authorised by him in writing.

(3) The radiation safety requirements prescribed under this Act do not extend to patients undergoing medical treatment by exposure to radiation by or under the supervision of a medical practitioner; but do apply to the safety of medical and technical staff working with the radioactive material or source of dangerous ionising radiation and to the protection of all other persons, other than the patient undergoing treatment.

(4) Subject to such exceptions as may be contained in any regulations or licence issued under this Act, the standard of radiation protection to be met for the purposes of this Act shall be the maximum permissible levels of radiation established and accepted internationally and published from time to time by the International Commission on Radiological Protection.

(5) Whenever a physical or mental disability appears-

(a) in a person which medical opinion competent in the field of radiation disease ascribes to radiation exposure, it shall be presumed that the disability arose due to radiation exposure from a source of sufficient strength to give rise to such disability;

(b) that could have arisen either from radiation or from other causes, the

following criteria shall be applied to discern the cause of such disability, namely:

(i) if a disability of a nature known to be caused either by radiation or that can arise from other possible causes appears in a person who could have been exposed to a source of radiation of sufficient strength to have caused the disability, it shall be assumed that the disability arose from one or more of such exposures if no record of personal exposure has been maintained to a standard approved by the Chief Radiation Protection Officer;

(ii) if a disability of a nature known to be caused either by radiation or that can arise from other possible causes appears in a person for whom a personal radiation exposure record exists, indicating that exposures in excess of recommended permissible limits have occurred, it shall be presumed that such disability occurred as a result of such radiation exposure;

(iii) if a disability of a nature known to be caused either by radiation or that can arise from other possible causes appears in a person for whom a personal radiation exposure record has been maintained to a standard approved by the Chief Radiation Protection Officer, it shall be presumed that the disability did not arise from radiation exposure if such exposure records show radiation exposures have been within permissible limits on all possible occasions of radiation exposure.

PART VI

RADIATION PROTECTION SERVICE

23. (1) There is hereby established a Radiation Protection Service which shall-Radiation Protection Service

(a) determine the extent of exposure to ionising radiation of the public and of workers and, subject to the provisions of this Act, determine the degree of risk of disability attached to such exposure;

(b) be responsible for examining, as may be deemed necessary by the Chief Radiation Protection Officer, all premises in respect of which a licence to use radiation is in force and all places of disposal for radioactive material and wastes;

(c) advise the Board of the extent of radiation exposure to persons in Zambia; and

(d) advise and recommend to licence holders steps desirable to reduce exposure to acceptable limits.

(2) The Radiation Protection Service shall maintain a personal radiation dosimetry service-

(a) to provide personal radiation measuring devices to be worn by any individual likely to be exposed to radiation;

(b) to provide a reporting service whereby it will maintain adequate records of personal radiation exposure measurements and shall render to the licence holders and to the Board reports, at suitable intervals, of the information contained in the records; and

(c) to warn individuals who have been or are likely to be subject to over exposure.

(3) The personal radiation dosimetry service may, at the discretion of the Chief Radiation Protection Officer, be provided without charge or for such fee as may be prescribed if the Board so determines on request from a holder of a licence; or its use may be included as a necessary condition of a particular licence.

(4) The Radiation Protection Service shall be directed by the Chief Radiation Protection Officer who shall be its senior officer and who shall recommend to the Board the provision of staff suitable for the carrying out of its functions.

PART VII

MISCELLANEOUS PROVISIONS

24. (1) Any person who contravenes any provision of this Act relating to or in connection with importation, possession, transportation, use or disposal of radioactive material or other source of dangerous ionising radiation, without being in possession of a valid licence, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four thousand penalty units or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and every officer responsible for a facility in which any such material or other source is used shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both. Offences and penalties

(2) Where a person in possession of a valid licence fails to comply with any provision of this Act or with the terms or conditions of his licence, the Chief Radiation Protection Officer-

(a) shall issue a warning indicating a time limit for complying with the terms or conditions of the licence;

(b) if he considers it necessary for the safety of the public or workers, may suspend the licence and require suspension of work with the radioactive material or other source of dangerous ionising radiation and its storage in a safe place or under conditions preventing exposure of the public or workers to potentially dangerous radiation; and/or

(c) shall require the owner or responsible licensee to take such measures as are needed to abate the adverse effects (if any) of his failure to meet the conditions of his licence;

and if the owner or responsible licensee fails to comply with the terms or conditions specified in the warning or other requirement, or continues to permit use of radioactive material or other source of dangerous ionising radiation while his licence is under suspension, he shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding two thousand penalty units or to a term of imprisonment not exceeding three months, or to both.

(3) Any act or omission, which if done by an individual shall be an offence under this Act or any regulations made thereunder, shall, if done by a body corporate, be deemed an offence committed by every director, secretary or manager, 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 all the circumstances of the case.

(4) If an offence under this Act or any regulations made thereunder is committed by a partner in a 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 like 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 all the circumstances of the case.

(5) In addition to the penalties provided in subsection (1), the radioactive material or other source of dangerous ionising radiation shall be liable to seizure, impoundment, sealing, being rendered inoperative, destruction or disposal in such manner as the Chief Radiation Protection Officer may consider necessary for the protection of the public or workers and may only be returned to the original owner if convenient and under conditions set forth in a licence properly issued by the Board.

(As amended by Act No. 13 of 1994)

25. (1) Without prejudice to any requirement to comply with any special condition included in the licence or in any regulations made under this Act, evidence that the holder of a licence has complied with the radiation safety standards or recommendations for permissible radiation exposure published by the International Atomic Energy Agency or by the International Commission on Radiological Protection shall be prima facie evidence that the holder of such licence has complied with radiation safety standards with respect to the requirements of this Act. Evidence

(2) Records of exposure measurements maintained in accordance with the provisions of this Act shall, unless the contrary is proved, be accepted as evidence by every court concerned with establishing causes of a disability.

26. The Minister may, on the advice of the Board, by statutory instrument, make regulations-Regulations

(a) prescribing application and licence forms to be used under this Act;

(b) limiting the use of radioactive material or equipment producing dangerous ionising radiation for any specified purpose, including use for medical or dental purposes;

(c) prescribing fees for services rendered by the Radiation Protection Service; and

(d) prescribing anything required to be prescribed under this Act.

SUBSIDIARY LEGISLATION

SECTION 26-THE IONIZING RADIATION (FEES) REGULATIONS

Regulations by the Minister Statutory Instrument no. 86 of 1992