

CHAPTER N142
NUCLEAR SAFETY AND RADIATION PROTECTION ACT
ARRANGEMENT OF SECTIONS

PART I

Establishment of the Nigerian Nuclear Regulatory Authority and its Governing Board, etc.

SECTION

1. Establishment of the Nigerian Nuclear Regulatory Authority.
2. Establishment and membership of the Governing Board of the Authority.
3. Tenure of office.

PART II

Functions and powers

4. Functions of the Authority.
5. Functions of the Board.
6. Powers of the Authority.
7. Powers of the Board.

PART III

Staff

8. Director-General and other staff of the Authority.

PART IV

Structure of the Authority, etc.

9. Structure of the Authority.
10. Technical Advisory Committee.

PART V

Establishment of the National Institute of Radiation Protection and Research

11. Establishment of the National Institute of Radiation Protection and Research.

PART VI

Financial provisions

12. Establishment of fund.
13. Annual estimates, accounts and audit.
14. Annual reports.

PART VII

Control of ionizing radiation

15. Restriction on keeping source of ionizing radiation in premises.

SECTION

16. Registration of premises.
17. Exemptions.
18. Control of consumer products.
19. Restriction on authorisation of source or practice.
20. Abandonment of source of ionizing radiation installation subject to licence.
21. Application and issue of licence.
22. Limitation of certain licence.
23. General conditions relating to licences.
24. Authority to be consulted where practice not covered by this Act.
25. Control of exposure to radiation.
26. Emergency and accidental exposure to radiation doses, etc., to be recorded.
27. Intervention plan.
28. Working conditions.
29. Categories of radioactive substances.

PART VIII

Control of exploration, etc., of ores containing radioactive substances

30. Licence for exploration, etc., to be subject to Code of Practice.
31. Licensing procedure to be subject to Code of Practice.
32. Invalidation of licence.
33. Construction of installation.
34. Appeal.
35. Power of authority to suspend activity.
36. Theft or loss of radioactive material to be reported, etc.

PART IX

Miscellaneous

37. Inspection and compliance.
38. Making false statement to inspector.
39. Report of inspection.
40. Transportation of radioactive material and waste.
41. Consignor, etc, of radioactive materials.
42. Packaging of radioactive materials.
43. Liability for damages.
44. Information obtained not to be disclosed.
45. Penalty for contravention of provisions of this Act.
46. Power to give directions.
47. Regulations.
48. Interpretation.
49. Short title.

SCHEDULE

Supplementary provisions relating to the Board and the Authority

CHAPTER N142

NUCLEAR SAFETY AND RADIATION PROTECTION ACT

An Act to establish the Nigerian Nuclear Regulatory Authority whose functions shall include the control and regulation of the use of radioactive substances, material, equipment, emitting and generating ionising radiation.

[1995 No. 19.]

[3rd August, 1995]

[Commencement.]

PART I

Establishment of the Nigerian Nuclear Regulatory Authority and its Governing Board, etc.

1. Establishment of the Nigerian Nuclear Regulatory Authority

There is hereby established a body to be known as the Nigerian Nuclear Regulatory Authority (in this Act referred to as "the Authority") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

2. Establishment and membership of the Governing Board of the Authority

(1) There is hereby established for the Authority a Governing Board (in this Act referred to as "the Board").

(2) The Board shall consist of—

- (a) the President as chairman;
- (b) the Ministers charged with responsibility for the following matters, that is—
 - (i) Defence;
 - (ii) Health;
 - (iii) Internal Affairs;
 - (iv) Mines;
 - (v) Petroleum Resources; and
 - (vi) Science and Technology;
- (c) the vice-chairman of the National Agency for Science and Engineering Infrastructure;
- (d) the Permanent Secretary of the Federal Ministry of Environment;

- (e) the Director-General of the Sheda Science and Technology Complex;
- (f) the Director-General of the Energy Commission of Nigeria;
- (g) two eminent Nigerians with cognate background and experience in nuclear science to be appointed by the President; and
- (h) the Director-General of the Authority.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

3. Tenure of office

(1) A member of the Board appointed, otherwise than by office, shall hold office for a period of four years, and subject to the provisions of subsection (2) of this section, may be re-appointed for one further period of four years.

(2) The office of a member of the Board appointed otherwise than by office shall become vacant if—

- (a) he resigns as a member of the Board by notice in writing under his hand addressed to the President; or
- (b) the President is satisfied that it is not in the interest of the Agency for the person appointed to continue in office and notifies the member in writing to that effect.

PART II

Functions and powers

4. Functions of the Authority

(1) Subject to this Act, the Authority shall be charged with the responsibility for nuclear safety and radiological protection regulation in Nigeria and, without prejudice to the generality of the foregoing, shall—

- (a) regulate the possession and application of radioactive substances and devices emitting ionizing radiation;
- (b) ensure protection of life, health, property and the environment from the harmful effects of ionizing radiation, while allowing beneficial practices involving exposure to ionizing radiation;
- (c) regulate the safe promotion of nuclear research and development, and the application of nuclear energy for peaceful purposes;
- (d) perform all necessary functions to enable Nigeria meet its national and international safeguards and safety obligations in the application of nuclear energy and ionizing radiation;
- (e) advise the Federal Government on nuclear security, safety and radiation protection matters; and
- (f) liaise with and foster co-operation with international and other organisations or bodies concerned having similar objectives.

(2) Without prejudice to subsection (1) of this section, the responsibility of the Authority shall extend to regulating—

- (a) the introduction of radioactive sources, equipment or practices and of existing sources, equipment and practices involving exposure of workers and the general public to ionizing radiation; and
- (b) as appropriate, the exploration, mining and milling of radioactive ores and other ores associated with the presence of radioactive substances.

5. Functions of the Board

The Board shall be responsible for—

- (a) managing and superintending the affairs of the Authority;
- (b) the overall policy and general administration and shall act in the name of the Authority;
- (c) providing effective liaison between the Authority and the Federal Government;
- (d) formulating policies and guidelines for regulating nuclear safety and radiological protection and ensuring their implementation;
- (e) working closely with the management of the Authority to ensure smooth operation of the affairs of the Authority;
- (f) deciding on and approving the borrowing power and credit limits of the Authority;
- (g) approving annual reports and statement of accounts of the Authority;
- (h) appointing and approving fees for auditors; and
- (i) carrying out such other activities connected with or incidental to the other functions of the Board.

6. Powers of the Authority

The Authority shall have the power to—

- (a) categorise and license activities involving exposure to ionizing radiation, in particular, the possession, production, processing, manufacture, purchase, sale, import, export, handling, use, transformation, transfer, trading, assignment, transport, storage and disposal of any radioactive material, nuclear material, radioactive waste, prescribed substance and any apparatus emitting ionizing radiation;
- (b) establish appropriate register for each category of sources or practices involving ionizing radiation;
- (c) license operators of practices under Category III in section 29 of this Act;
- (d) issue codes of practice which shall be binding on all users of radioactive and prescribed substances, and of sources of ionizing radiation;
- (e) review and approve safety standards and documentation;
- (f) protect the health of all users, handlers and the public from the harmful effects of ionizing radiation;

- (g) provide training, information and guidance on nuclear safety and protection;
- (h) establish in co-operation with other competent national authorities, plans and procedures which shall be periodically tested and assessed for coping with any radiation emergency and abnormal occurrence involving nuclear materials and radiation sources;
- (i) undertake investigations and research into ionizing radiation sources and practices; and
- (j) do everything necessary to ensure that all concerned persons and bodies comply with laid down regulations under this Act.

7. Powers of the Board

The Board shall have power—

- (a) to acquire offices and other premises for the use of the Authority;
- (b) to fix terms and conditions of service including remuneration of the employees of the Authority;
- (c) to establish such zonal and other offices of the Authority as it may deem necessary for the proper performance of its functions; and
- (d) to do such other things as are necessary for the successful performance of its functions under this Act.

PART III*Staff***8. Director-General and other staff of the Authority**

- (1) There shall be appointed by the President for the Authority, a Director-General who shall be the chief executive of the Authority and be responsible for the day-to-day administration of the affairs of the Authority.
- (2) The Director-General shall be a person of proven integrity and shall have such qualifications and practical experience in the application of nuclear energy and ionizing radiation in science and technology, nuclear and radiation protection.
- (3) The Director-General shall hold office for a term of five years in the first instance and may be re-appointed for such further term as the President may determine.
- (4) Subject to this Act, the Authority may appoint such other persons as its employees as it may consider necessary.
- (5) The remuneration and tenure of office of employees of the Authority shall be determined by the Authority after consultation with the Federal Civil Service Commission.
- (6) Notwithstanding the provisions of subsection (4) of this section, employees of the Authority may be appointed by way of transfer or secondment from any of the public services in the Federation.

PART IV*Structure of the Authority, etc.***9. Structure of the Authority**

(1) There shall be established within the Authority the following departments, that is—

- (a) the Department of Radiological Safety;
- (b) the Department of Nuclear Safety, Physical Security and Safeguards;
- (c) the Department of Administration and Finance; and
- (d) such other departments as may be approved by the Board on the recommendation of the Director-General.

(2) A department established pursuant to subsection (1) of this section shall be headed by a Director, to be appointed by the Authority.

10. Technical Advisory Committee

(1) The Board may appoint one or more Technical Advisory Committees to advise the Board on specific matters, and to carry out on behalf of the Board such of its functions as the Board may determine.

(2) A Committee appointed under subsection (1) of this section shall consist of such number of persons on specific matters, and to carry out on behalf of the Board, such of its functions as the Board may determine.

(3) A person other than an employee of the Board co-opted by the Board shall hold office on the Committee in accordance with the terms of the letter by which he is appointed.

PART V*Establishment of the National Institute of Radiation Protection and Research***11. Establishment of the National Institute of Radiation Protection and Research**

(1) The Authority shall for the purpose of carrying out its general functions under section 4 of this Act, establish an institute to be known as the National Institute of Radiation Protection and Research (in this Act referred to as the "Institute") either independently or in collaboration with a university in Nigeria.

(2) The Authority shall appoint for the Institute, a Director who shall be the Chief Executive of the Institute and be responsible to the Authority for the day-to-day running of the Institute.

(3) The Institute may appoint such other employees and agents as it may deem necessary for the efficient performance of its functions pursuant to this Act.

(4) Any qualified person employed by the Institute shall be an authorised officer for the purposes of this Act.

(5) The structure and other matters relating to the Institute shall be determined by the Authority.

PART VI

Financial provisions

12. Establishment of fund

(1) The Board shall establish and maintain a fund from which shall be defrayed, all the expenditure incurred by the Authority as specified in this Act.

(2) There shall be paid and credited to the fund established, pursuant to subsection (1) of this section—

- (a) such sums as may be provided by the Federal Government;
- (b) all sums charged for services rendered by the Authority;
- (c) all other sums that may accrue to the Authority from any other source.

(3) The Authority may, from time to time, apply the proceeds of the fund established in pursuance of subsection (1) of this section—

- (a) to the cost of administration of the Authority;
- (b) for reimbursing members of the Board or of any committees set up by the Board for such expenses as may be expressly authorised by the Board in accordance with the rates approved by the President;
- (c) to the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable to the employees of the Authority;
- (d) for the maintenance of any property vested in the Authority; and
- (e) for and in connection with all the purposes of this Act.

13. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared and submitted to the President not later than three months to the end of the year or soon thereafter, an estimate of the expenditure and income of the Authority during the next succeeding year.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

14. Annual reports

The Board shall not later than 30 June in each year, submit to the President a report on the activities of the Authority and its administration during the immediately preceding year and shall include in such report, the audited accounts of the Authority and the Auditor's report thereon.

PART VII*Control of ionizing radiation**Registration***15. Restriction on keeping sources of ionizing radiation in premises**

As from the prescribed date, no person shall, on any premises which is used for the purpose of an undertaking carried on by him, keep or use a source of ionizing radiation of any description, unless either—

- (a) he is registered under this Act in respect of those premises and in respect of keeping and use thereon of the nuclear material or the source of ionizing radiation of that description; or
- (b) the source of ionizing radiation in question consists of apparatus in respect of which a person is registered under this Act or is exempted from registration under section 17 of this Act.

16. Registration of premises

(1) An application for registration under this Act shall be made to the Authority specifying—

- (a) the premises to which the application relates;
- (b) the undertaking for the purposes of which those premises are used;
- (c) the description of the source of ionizing radiation proposed to be kept or used in the premises and the maximum quantity of nuclear material or source of ionizing radiation, the strength and the output of the source to be kept or used thereon at any time;
- (d) the manner in which the source of ionizing radiation is proposed to be used in the premises; and
- (e) such other information as may be prescribed by the Authority.

(2) On receipt of an application under subsection (1) of this section, the Director of the relevant Department or any other officer directed by him shall inspect the premises to which the application relates and carry out such other investigations as will assist the Authority in arriving at a decision in the matter.

(3) Subject to the following provisions of this section, where an application is made pursuant to subsection (1) of this section the Authority may—

- (a) register the applicant in respect of those premises and in respect of the keeping and use thereon of the nuclear material or source of ionizing radiation of the description to which the application relates; or
- (b) if the application relates to two or more sources of ionizing radiation, register the applicant in respect of the keeping and use thereon of such one or more sources of ionizing radiation as may be specified in the registration; or
- (c) refuse the application, stating the reason for refusal.

(4) Any registration under this section in respect of any premises may be effected, subject to such limitations or conditions as the Authority thinks fit, and in particular, but without prejudice to the generality of this subsection, may be effected, subject to the following conditions, that is to say—

- (a) imposing requirements (including requirements involving structural or other alterations) in respect of any apparatus, equipment or appliance used thereon for the purpose of any use of nuclear material, radioactive substances or a source of ionizing radiation from which radioactive waste is likely to arise;
- (b) requiring the person to whom the registration relates, at such times and in such manner as may be specified in the registration, to furnish the Authority with information as to the removal of nuclear material, radioactive substances or sources of ionizing radiation from those premises to any other premises; and
- (c) prohibiting nuclear material, prescribed and radioactive substances or any sources of ionizing radiation from being sold or otherwise supplied from those premises, unless it or the container in which it is supplied bears a label or other mark indicating that it is such a radiation source, or nuclear material and describing the class or category to which it belongs, and in either case complying with any requirements specified in the conditions in relation thereto.

(5) On registering a person under this section in respect of any premises, the Authority shall furnish him with a certificate containing all material particulars of the registration and shall send a copy of the certificate to the Ministry of Health of the State in whose area the premises are situated.

17. Exemptions

- (1) Without limiting the powers of the Authority under this Act, the Authority may—
 - (a) exempt from the provisions of sections 15 and 16 of this Act cases where the health hazards of ionizing radiation or radioactive substance or from any activity involving exposure to radiation is deemed minimal;
 - (b) exempt special sources or practices from the control by the system referred to in section 18 of this Act if, based on an analysis of the health hazards involved, the Authority is satisfied that—
 - (i) the annual committed dose equivalent to any individual resulting from the practice will at no time exceed the established dose limit as determined by the Authority; and
 - (ii) the collective dose received in one year of the unregulated practice will be less than the established dose limit.

(2) The Authority shall also specify and fix dose limits and the conditions under which the exemption is authorised.

Licensing

18. Control of consumer products

(1) As from the commencement of this Act, no person shall produce or market any consumer product containing radioactive substances without licence issued by the Authority.

(2) The Authority may issue a licence only if it is satisfied that the use of the consumer products containing the radioactive substances shall not result in undue radiation exposure to the users or the environment.

(3) An application for a licence shall furnish detailed information on the product, its intended use and the function served by the radionuclide and such other information as may be specified by the Authority.

19. Restriction on authorisation of source or practice

Subject to the provisions of this Act, no source or practice involving exposure of man to ionizing radiation shall be authorised, except through a system of application, notification, registration or licensing established by the Authority.

20. Abandonment of source of ionizing radiation installation subject to licence

No person shall carry out any activity referred to in section 15 or 18 of this Act and at the end of the activity abandon, de-commission or rehabilitate installations thereof without a licence issued by the Authority.

21. Application and issue of licence

(1) A person applying for a licence shall submit to the Authority his organizational arrangement, including the internal allocation of functions, responsibilities and authority as they relate to the application's compliance with this Act.

(2) The Authority may issue a licence to a person if, in its opinion, the person has sufficient knowledge to use nuclear materials, ionizing radiation sources or radioactive materials in compliance with the general principles and conditions of radiation protection and nuclear safety as laid down in this Act and with any orders issued by the Authority for their application.

(3) The Authority may, in issuing the licence, impose such terms and conditions which it deems necessary in the interest of health, safety and security. In particular, it may impose conditions relating to monitoring programmes, measures and controls to minimise radiation and "criticality" hazards, limits of radioactive release into the environment, and the qualification of the persons responsible for nuclear safety and radiation protection.

(4) Where the Authority intends to impose terms and conditions in issuing a licence, or intends to deny a licence, it shall notify the applicant in writing of the intended action and the reasons thereon and shall grant the applicant an opportunity for a hearing if requested to do so within one month of issuing the written notification.

(5) Compliance with the terms and conditions of a licence shall be binding on the party to which the licence has been issued.

22. Limitation of certain licences

(1) Any licence required for sources, nuclear equipment and practices mentioned in sections 4 and 6 of this Act, may be limited to a specific radiation source or radioactive substance, in relation to the nature and purpose of the activity or practice specified for a given installation.

(2) No one shall use a radiation source or radioactive substance for purpose other than those specified in the licence relating to the said source or substance.

23. General conditions relating to licences

(1) A licence granted based on an application may be used by the applicant for a stipulated period of time.

(2) Any application for renewal of a licence shall be submitted at least three months before its expiry date.

(3) Renewal may be granted in advance and, if the licence had not been cancelled earlier, it shall take effect on the date of expiry of the current licence.

(4) When application for renewal is duly submitted in accordance with this section and ruling thereon has been before the date of expiry of the licence the latter shall remain in force until a decision has been made in respect of the application.

*Miscellaneous***24. Authority to be consulted where practice not covered by this Act**

Where a practice involving an exposure to radiation is not covered by this Act, the person concerned with the practice shall consult with the Authority with a view to ensuring adequate safety and radiation protection in accordance with this Act.

25. Control of exposure to radiation

The Authority shall, in the performance of its functions and for the protection of radiation workers and the general public, ensure that—

- (a) no practice is adopted, unless its introduction produces a positive net benefit; and
- (b) the dose equivalent to individual, shall in no way exceed the established limits prescribed by the Authority.

26. Emergency and accidental exposure to radiation doses, etc., to be recorded

(1) Every emergency or accidental exposure to radiation doses and accidental intake of radioactive materials shall be recorded together and clearly distinguished from normal exposure.

(2) An emergency or accidental exposure to radiation doses shall be reported immediately to the Authority with a report of the investigation of causes and consequences of the exposure.

27. Intervention plan

The Authority shall, for any activity that could lead to accidental exposure of workers or members of the public to nuclear material or radiation source, establish an intervention plan which shall deal with any foreseeable situation and for demonstrating the efficiency of the planned counter-measures.

28. Working conditions

(1) For the purposes of this Act, the following classes of working conditions are hereby established for workers who are exposed to ionizing radiation in connection with their work, that is—

- (a) Working Condition A; and
- (b) Working Condition B.

(2) Working Condition A exists where the annual exposure is likely to exceed the prescribed dose equivalent limit as specified in the Code of Practice, in which case the workers assigned thereto shall—

- (a) be classified as Type A Exposed Workers; and
- (b) be subject to special health supervision and individual assessment by individual monitoring for external radiation and internal contamination as appropriate or by indirect methods.

(3) Working Condition B exists where the annual exposure is not likely to exceed three tenths of the dose equivalent limit as specified in the Code of Practice, in which case the workers assigned thereto are classified as type B Exposed Workers and the dose equivalent assessment is achieved by area monitoring.

(4) No person under the age of 18 years shall be employed in any work performed under Working Condition A as is defined in subsection (2) of this section.

29. Categories of radioactive substances

The categories of radioactive substances, sources and practices for the purpose of this Act shall be classified as follows—

- (a) Category I, X-ray, that is, gamma-ray sources and other sealed sources used in medical diagnosis and therapy;
- (b) Category II, that is, unsealed radiation sources used in medical diagnosis and therapy, agriculture, industry and research;
- (c) Category III, that is, nuclear research reactors and critical assemblies, nuclear power reactors, mining and milling of radioactive ores and other facilities of the nuclear fuel cycle; and
- (d) Category IV, that is, non-uranium mines and mills having associated radioactive substances in concentration which can lead to significant radiation exposures to workers and the public.

PART VIII*Control of exploration, etc., of ores containing radioactive substances***30. Licence for exploration, etc., to be subject to Code of Practice**

The licence for exploration, excavation, mining and milling of ores containing radioactive material shall be subject to the appropriate Code of Practice as laid down by the Authority.

31. Licensing procedure to be subject to Code of Practice

(1) The licensing procedures and requirements for different classes and categories specified in section 4 (2) and 29 of this Act shall be as laid down in the Code of Practice.

(2) The applicant for a licence, for the construction of an installation connected with the exploration, excavation, mining or milling of or containing radioactive materials or for its operation, shall submit information on the waste management system, as laid down in the Code of Practice for the different categories as specified in section 29 of this Act.

32. Invalidation of licence

(1) The Authority may invalidate a licence or suspend it for what it deems to be an appropriate period if the holder of the licence—

- (a) has obtained it by making a fraudulent or incorrect statement;
- (b) has failed to comply with the provisions of this Act or any order issued for their implementation;
- (c) has violated or omitted to comply with the conditions of the licence;
- (d) is prevented from performing his duty as licensed, as a result of incapacity or for any other reasons;
- (e) for whatever reason, is no longer entitled to the licence.

33. Construction of installation

(1) Prior to the construction of an installation connected with the exploration, excavation, mining or milling of ores containing radioactive materials, all principal plans and drawings relating thereto shall be submitted to the Authority for approval.

(2) The Authority may at any time during the construction of an installation, request such information as it deems necessary to evaluate the health and safety, security or environmental aspects of the construction and future operation of the installation.

34. Appeal

Any person may appeal to the Authority against a decision relating to a licence or to an application for a licence or for renewal of a licence.

35. Power of Authority to suspend activity

The Authority may suspend any authorised activity if, having regard to an inspection report submitted under section 39 of this Act, the activity does not comply with the provisions of this Act, until the operator has taken appropriate corrective measures to ensure the safety of the workers and the public.

36. Theft or loss of radioactive material to be reported, etc.

(1) A person who manages a facility connected with radioactive or nuclear material shall promptly report to the Authority any theft or loss of radioactive or nuclear material under his possession and control.

(2) The person shall not grant or transfer, either totally or partially, any right or obligation specified in a licence issued to him.

PART IX*Miscellaneous***37. Inspection and compliance**

- (1) The Authority shall appoint inspectors to inspect practices and installations licensed or proposed to be licensed by the Authority.
- (2) An inspector may for the purposes of the execution of this Act—
 - (a) enter, without hindrance, at any time during the normal working hours of the establishment concerned or as may be determined by the Authority, upon any premises, vehicle, ship or aircraft to which this section applies, with such equipment as he requires for the performance of his duty as specified under this Act;
 - (b) inspect any plans, drawing, register or documents pertaining to—
 - (i) the design, construction, testing, development, operation, de-commis-sioning or abandonment of an installation;
 - (ii) the health and safety, security or environmental aspect of any activity covered by this Act;
 - (iii) any matter relevant to the enforcement of this Act;
 - (c) carry out tests and take samples, measurements and photographs of the instal-lation on written approval by the Authority;
 - (d) ask the operator of any vehicle, ship or aircraft or any person who has duties on or in connection with any premises, vehicle, ship or aircraft, to provide him with such information relating to the vehicle, ship or aircraft as he may require.

38. Making false statement to inspector

No person shall—

- (a) knowingly make a false or misleading statement to an inspector; or
- (b) deliberately obstruct or hinder or attempt to obstruct or hinder an inspector carrying out his functions under this Act.

39. Report of inspection

The inspector shall submit a report of his inspection or investigation to the Authority for necessary or appropriate action.

40. Transportation of radioactive material and waste

- (1) This Act shall apply to the transportation of radioactive materials or waste by land, water or air.
- (2) In addition to the provisions of this Act, the general regulations for the transpor-tation of dangerous goods by land, water and air, including the regulation on goods hav-ing other hazardous characteristics, shall also apply to the transportation of radioactive materials or waste by land, water and air.

(3) Radioactive materials or waste stored in transit shall be stored and handled in accordance with the regulations laid down in the Code of Practice.

41. Consignor, etc., of radioactive materials

A consignor, carrier and consignee of radioactive materials shall have a valid licence from the Authority and notify the Authority well in advance and prior to the delivery, transport and receipt of any such materials.

42. Packaging of radioactive materials

A person who intends to dispatch radioactive materials or waste shall carry out the packaging of the radioactive materials and waste in compliance with the packaging and testing requirements as laid down in the code of practice.

43. Liability for damages

(1) The carrier of radioactive materials or waste shall be liable financially or otherwise for all incidents and accidents during transportation or storage in transit of the said radioactive materials and waste.

(2) Notwithstanding the provisions in subsection (1) of this section, the operator of a facility or carrier of radioactive materials or waste, who is responsible for an incident resulting in radioactive contamination of the environment shall be liable, on conviction, for the restoration of the environment or for the cost of such activities as are necessary for the restoration of the environment to its original state.

(3) The operator or the carrier shall be responsible for all damage to workers and the general public arising from inaccurate, wrong or incomplete notification and information.

44. Information obtained not to be disclosed

Except for the purposes of this Act or any order or proceeding thereunder, no person shall disclose any information obtained under this Act.

45. Penalty for contravention of provisions of this Act

(1) A person who—

(a) contravenes any of the provisions of this Act; or

(b) does not comply with a limitation or condition subject to which he is registered, exempted or licensed under this Act,

is guilty of an offence and liable on conviction, to a fine of not less than ₦100,000 or more than ₦3,000,000 or to imprisonment for a minimum term of not less than two years or more than ten years or to both such fine and imprisonment, and in addition, the Authority may cancel, revoke or suspend any registration, exemption or licence that might have been effected or granted to the person.

(2) A person who knowingly obstructs an authorised officer or inspector in the exercise of his functions is guilty of an offence and liable on conviction to a fine of not less than ₦50,000 or to imprisonment for a term of not less than one year or to both such fine and imprisonment.

(3) Where an offence under this Act, which has been committed by a body, whether corporate or not, is proved to have been committed with the consent or connivance of or is attributable to any act or default on the part of any person or persons in apparent control of the body, the person or persons in apparent control as well as the body shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.

46. Power to give directions

Subject to this Act, the President may give to the Authority directions of a general character or relating generally to particular matters, with regard to the performance or exercise by the Authority of its functions or powers under this Act and it shall be the duty of the Authority to comply with the directions.

47. Regulations

(1) The Authority may, with the approval of the President, make regulations, prescribing anything required to be prescribed under this Act, and without prejudice to the generality of the foregoing, may by regulation—

- (a) prescribe a date on which the requirements of section 15 of this Act are to be complied with being a date not less than three months from the commencement of this Act;
- (b) prescribe forms in which any application is to be made for the purposes of any provision of this Act; and
- (c) prescribe fees payable for registration, licensing, and any other services rendered under this Act.

(2) For the purpose of facilitating the exercise of any power under this Act to effect registration or grant licences and authorisations, the Authority may make regulations setting out general limitations or conditions applicable to such classes or cases as may be specified in the regulations.

(3) Any limitations or conditions imposed by the Authority under subsection (2) of this section shall for the purposes of this Act be deemed to be attached to cases to which those limitations or conditions are expressed to be applicable, subject to such exceptions or modification (if any) as may be specified in any registration or authorisation.

48. Interpretation

In this Act, unless the context otherwise requires—

“Agency” means the National Agency for Science and Engineering Infrastructure established under the National Agency for Science and Engineering Infrastructure Act;

[Cap. N3.]

“authorised officer” includes qualified persons employed by the Authority to carry out specific functions for the purpose of this Act;

“Code of Practice” means a collection of instructions for the handling and use of nuclear materials, equipment and various sources of ionizing radiation formulated by the Authority;

"contamination" in relation to a substance or article, is a reference to its being so affected by the absorption, admixture or adhesion of radioactive material or radioactive waste, as to become radioactive;

"disposal" in relation to waste, includes the removal of deposit or the destruction thereof, the discharge thereof, whether into water or into the air or into a sewage or drain or otherwise or the burial thereof, whether underground or otherwise and **"disposal"** shall be construed accordingly;

"premises" includes any land whether covered by building or not including any place underground and any land covered by water;

"prescribed date" means the date prescribed under section 47 (1) (a) of this Act for the coming into force of section 15 of this Act;

"prescribed substances" means materials which the Authority designates as being capable of releasing nuclear energy, or as being required for the production or use of nuclear energy and includes fissile, fertile and non-fissile materials such as heavy water;

"radioactive waste" means and consists wholly or partly of—

- (a) a substance or article which if it were not waste would be regarded as a useful radioactive material or radiation source;
- (b) a substance or article which has been contaminated in the course of the production, storage or use of radioactive material or by contact with or proximity to other waste falling within the provisions of the Act;

"source of ionizing radiation" means any apparatus, equipment, appliance or any material which is capable of emitting ionizing radiation;

"substance" means any natural or artificial material whether in solid or liquid form or in the form of a gas or vapour;

"waste" includes—

- (a) substance which constitute scrap material or an effluent or other unwanted surplus substance arising from the application or any process and also includes any substance or article which is required to be disposed of as being broken, worn out, contaminated or otherwise spoilt;
- (b) any substance or article which in the course of carrying on any process provided for in this Act, is discharged, discarded or otherwise dealt with as if it were waste, shall for the purposes of this Act, be presumed to be waste unless the contrary is proved.

49. Short title

This Act may be cited as the Nuclear Safety and Radiation Protection Act.

SCHEDULE
[Section 2 (3).]

Supplementary provisions relating to the Board and the Authority

Proceeding of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.
[Cap. I23.]
2. Every meeting of the Board shall be presided over by the chairman and, if the chairman is unable to attend a particular meeting, he shall delegate one of the members to preside at the meeting.
3. The quorum at a meeting of the Board shall consist of the chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.
4. The Board may, on any special occasion, co-opt any person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Agency is concerned.
(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board as the Board may determine in each case.
6. The decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. The fixing of the seal of the Authority shall be authenticated by the signature of the chairman and of the Director-General of the Authority or such other member authorised generally or specially by the Board to act for that purpose.
8. A contract or an instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Authority by the Director-General or by any other person authorised generally or specifically by the Board to act for that purpose.
9. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.
10. The validity of a proceeding of the Board or of a committee thereof shall not be adversely affected—
 - (a) by a vacancy in the membership of the Board; or
 - (b) by a defect in the appointment of a member of the Board or committee; or
 - (c) by reason that a person not entitled to do so took part in the proceeding.
11. A member of the Board or committee who has a personal interest in a contract or an arrangement entered into or proposed to be considered by the Board or committee shall

forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

CHAPTER N142

NUCLEAR SAFETY AND RADIATION PROTECTION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
