

PARLIAMENT OF CEYLON

4th Session 1968-69



Atomic Energy Authority Act, No. 19 of 1969

Date of Assent: June 25, 1969

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L. D.—O. 20/59.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN ATOMIC ENERGY AUTHORITY AND AN ADVISORY COMMITTEE TO ADVISE SUCH AUTHORITY, TO SPECIFY THE POWERS, DUTIES, RIGHTS AND FUNCTIONS OF SUCH AUTHORITY, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: June 25, 1969]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Atomic Energy Authority Act, No. 19 of 1969.

Short title.

2. (1) There shall be established an Authority which shall be called the Atomic Energy Authority (hereinafter in this Act referred to as the "Authority").

Establishment of the Atomic Energy Authority.

(2) The Authority shall consist of not less than four and not more than seven members appointed by the Minister from among persons who appear to the Minister to have had experience and shown capacity in dealing with matters connected with atomic energy, administration or finance.

3. A person shall be disqualified for being appointed or being a member of the Authority so long as he is a Senator or a Member of Parliament.

Disqualification for being appointed or being a member of the Authority.

4. (1) Every member of the Authority shall hold and vacate his office in accordance with the terms of his appointment, but he may resign his office by letter addressed to the Minister. He shall, on ceasing to be a member, be eligible for reappointment.

Term of office of members of the Authority.

(2) The Minister may, if he thinks it expedient to do so, remove from office any member of the Authority.

5. (1) The Minister shall appoint one of the members of the Authority to be its Chairman.

Chairman of the Authority.

(2) The Chairman of the Authority shall hold and vacate his office in accordance with the terms of his appointment, but he may resign his office by letter.

addressed to the Minister. He shall, on vacating his office, be eligible, so long as he is a member of the Authority, for reappointment.

Remuneration
of members of
the Authority.

6. Where the Minister, in consultation with the Minister of Finance, decides that remuneration should be paid to each member of the Authority and determines the remuneration to be so paid, the Authority shall pay such remuneration.

Remuneration
for employment
of members of
the Authority
otherwise than
as such
member.

7. Where any member, other than the Chairman, of the Authority is employed about the affairs of the Authority otherwise than as such member, the Authority shall pay to that member such remuneration, if any, (in addition to any remuneration to which he may be entitled in respect of his office as such member), as the Minister may, in consultation with the Minister of Finance, determine.

The Authority
to be a
corporation.

8. The Authority shall, by the name assigned to it by sub-section (1) of section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Seal of the
Authority.

9. The seal of the Authority—

- (a) shall be in the custody of such person as the Authority may from time to time determine;
- (b) may be altered in such manner as may be determined by the Authority; and
- (c) shall not be affixed to any document except with the sanction of the Authority and in the presence of two members of the Authority who shall sign the document in token of their presence.

The Authority
may acquire
and hold
property, raise
loans, appoint
the necessary
staff, &c.

10. (1) The Authority may acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of any movable or immovable property.

(2) The Authority may appoint such officers and servants as may be necessary for the performance of the work of the Authority. The conditions of employment, including remuneration, of any officer or servant appointed under this sub-section shall be determined by the Authority.

(3) The Authority may do such other things as are incidental or conducive to the attainment of its purposes.

11. The quorum for a meeting of the Authority shall be three. Quorum.

12. The Authority may act notwithstanding a vacancy among its members so long as the number of members of the Authority is sufficient to constitute a quorum for a meeting of the Authority. The Authority may act despite vacancy.

13. (1) A member of the Authority who is directly or indirectly interested in a contract made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Authority. Disclosure of interest of a member of the Authority in a contract made or proposed to be made by the Authority.

(2) Any disclosure made by a member of the Authority under sub-section (1) shall be recorded in the minutes of the Authority and that member—

(a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to the contract to which the disclosure relates, and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

14. Subject to the other provisions of this Act, the Authority may regulate its procedure. The Authority may regulate its procedure.

15. (1) The Authority shall undertake and make arrangements for the conduct of research and development activities relating to— Functions of the Authority.

(a) the production of atomic energy, including processes, materials, and devices relating to such production;

(b) the utilization of fissionable and radioactive materials for medical, agricultural, industrial and other peaceful purposes;

(c) the protection of health during such research and development activities;

(d) the protection of health of persons employed at premises or places in which any radioactive materials are manufactured, produced, treated, stored or used or any irradiating apparatus is used, and the prevention of injury caused by ionizing radiations to the health of other persons; and

(e) the protection of health of persons transporting radioactive materials.

(2) The arrangements referred to in sub-section (1) shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life and property, and to require the reporting and to permit the inspection of work performed thereunder, as the Authority may determine.

Powers of the Authority in regard to the production, use and disposal of atomic energy, &c.

16. The Authority shall have power—

- (a) to produce, use and dispose of atomic energy and carry out research into any matters connected therewith;
- (b) to manufacture or otherwise produce, buy or otherwise acquire, store and transport any article which in the opinion of the Authority is, or is likely to be, required for or in connection with the production or use of atomic energy or such research as aforesaid, and to dispose of any article manufactured, produced, bought or otherwise acquired by the Authority;
- (c) to manufacture or otherwise produce, buy or otherwise acquire, treat, store, transport and dispose of any radioactive material;
- (d) to do all such things (including the erection of buildings and the execution of works) as appear to the Authority necessary for the exercise of the aforementioned powers;
- (e) to make arrangements with universities and other institutions or persons both in Ceylon and abroad and Government Departments for the conduct of research into matters connected with atomic energy or radioactive materials and, with the approval of the Minister given in consultation with the Minister of Finance, to make grants or loans to universities and other institutions or persons and Government Departments engaged in the production or use of atomic energy or radioactive materials or in research into matters connected with atomic energy or radioactive materials;
- (f) to make available for use in connection with such research or production conducted or carried out by any institution or person other than the Authority such of the Authority's equipment and facilities as the Authority may determine; and

- (g) to distribute information relating to, and educate and train persons in matters connected with, atomic energy or radioactive materials.

17. (1) Any officer authorized in that behalf by the Authority may by written notice served on any person require such person to make such returns, at such times, and containing such particulars as may be specified in the notice, of all or any of the following:—

Power to obtain information.

- (a) any such radioactive material specified in the notice as is in his possession or under his control;
- (b) any plant in his possession or under his control designed or adapted for the production or use of atomic energy or research into matters connected therewith;
- (c) any contract entered into by him or any right granted by or to him relating to the production or use of atomic energy or research into matters connected therewith; and
- (d) any other information in his possession relating to any work carried out by him, or on his behalf or under his direction, in connection with the production or use of atomic energy or research into matters connected therewith.

(2) Any person who—

- (a) fails to comply with any notice served on him under sub-section (1), or
 - (b) knowingly makes any untrue statement in any return made in pursuance of such notice,
- shall be guilty of an offence.

18. (1) The Authority may by Order published in the *Gazette* make such provision as it thinks expedient for prohibiting or regulating, subject to such exceptions, if any, as may be made by or under the Order—

Control of importation, exportation, production, acquisition, treatment, storage, transport and disposal of radioactive materials.

- (a) the importation into, or exportation from, Ceylon of all radioactive materials, or radioactive materials of any class or description specified in the Order;
- (b) the production, acquisition, treatment, storage, transport and disposal of any radioactive material; and

- (c) the acquisition, production, possession, use, disposal, export or import of any plant designed or adapted for the production or use of atomic energy or for research into matters connected therewith.

(2) Any person who contravenes or fails to comply with an Order made under sub-section (1) shall be guilty of an offence.

Regulations for the control of the sale and supply of radioactive materials and of the use of irradiating apparatus, for certain purposes.

19. (1) Regulations may be made, in consultation with the Minister of Health, regarding—

- (a) the sale or supply of any material which contains more than a specified quantity of a radioactive chemical element (whether natural or artificial) and is intended to be taken internally by, injected into or applied to, a human being, with particular regard to the qualifications, and including if necessary the licensing, of persons who sell and supply such materials; and
- (b) the use, for the purpose of the medical, surgical or dental diagnosis or treatment of human beings, of any, or any specified class or description of, irradiating apparatus, with particular regard to the qualifications, and including, if necessary, the licensing of persons who so use such apparatus.

(2) Any person who contravenes or fails to comply with a regulation made for the purposes of this section shall be guilty of an offence.

Safety regulations for certain occupations.

20. (1) With respect to any class or description of premises or places specified in the regulations, being premises or places in which any radioactive materials are manufactured, produced, treated, stored or used or any irradiating apparatus is used, provision may be made by regulations—

- (a) to prevent injury being caused by ionizing radiations to the health of persons employed at those premises or places or other persons;
- (b) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely;

(c) for the enforcement of measures of environmental protection in respect of persons who reside in areas where work is carried on in regard to any source of ionizing radiation, including measures for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works; or

(d) for the effective monitoring of equipment, materials and environment, and the medical examination and the treatment, both prophylactic and curative, of persons who are exposed to ionizing radiation;

and the regulations may, in particular and without prejudice to the generality of this sub-section, provide for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works.

(2) With respect to the transport of any radioactive materials, regulations may be made to prevent injury being caused by such transport to the health of persons engaged therein and other persons.

(3) Regulations made for the purposes of this section may provide for imposing requirements, prohibitions and restrictions on employers, employees and other persons.

(4) Any person who contravenes or fails to comply with a regulation made for the purposes of this section shall be guilty of an offence.

21. (1) The officers and servants of the Authority may, without any such licence, permit or approval as may be required by any other written law, maintain and use, on any premises lawfully occupied by the Authority for laboratory or experimental purposes, such installations, equipment, and materials as they may consider necessary or desirable for those purposes.

Use of installations, equipment and materials for laboratory or experimental purposes.

(2) The provisions of sub-section (1) shall not be deemed to relieve the Authority of responsibility for taking reasonable precautions for the safety and protection of persons and property or for liability for the consequence of the acts of its officers and servants in the course of their employment.

22. (1) The Authority or any other persons shall not produce or develop, or cause the production or development of, any atomic weapon or part of an atomic weapon, or conduct or cause to be conducted

No atomic weapon to be produced or developed.

experimental work with the intention that it shall lead to explosive nuclear assemblies for atomic weapons.

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence punishable with imprisonment not exceeding twenty years on conviction after trial by an appropriate court.

Powers of entry and inspection.

23. (1) The Permanent Secretary may, on the recommendation of the Authority, authorize in writing any person to enter at all reasonable hours any premises, (other than premises solely used for residential purposes), vehicle, vessel or aircraft for the purpose of ascertaining whether there has been committed, or is being committed, in or in connection with the premises, vehicle, vessel or aircraft an offence under this Act.

(2) The Permanent Secretary may, on the recommendation of the Authority, authorize in writing any person to enter at all reasonable hours any premises where such person has reasonable grounds for believing that work is being carried out for the purposes of or in connection with the production or use of atomic energy or research into matters connected therewith, or that there is any prescribed substance, or any plant designed or adapted for the production or use of atomic energy or research into matters connected therewith, and may inspect the premises and any articles found therein, and make copies of, or extracts from, any drawing, plan or other document found in the premises and, for the purpose of making such copies or extracts, may remove any such drawing, plan or other document and retain possession thereof for a period not exceeding seven days.

(3) Any person who wilfully obstructs any other person exercising powers conferred on that person by sub-section (1), or sub-section (2), shall be guilty of an offence.

Compulsory acquisition of land required by the Authority.
Cap. 460.

24. Any land required for the purposes of the Authority shall be deemed to be needed for a public purpose and may be acquired by the Crown under the Land Acquisition Act and transferred to the Authority.

Compulsory acquisition of plant required by the Authority.

25. (1) The Permanent Secretary may, on the recommendation of the Authority, and subject to and in accordance with the provisions contained in the Schedule to this Act, compulsorily acquire any plant

designed or adapted for the production or use of atomic energy or research into matters connected therewith, and transfer the same to the Authority.

(2) In the case of any such plant affixed to any land as is compulsorily acquired under sub-section (1), the Permanent Secretary may cause it to be severed from the land, and shall, if such severance is made, cause any damage caused by such severance to be made good.

(3) Such compensation in respect of the acquisition of any plant under this section shall be paid by the Permanent Secretary to the person who is the owner and to any other person who has an interest in the plant, as may be agreed upon between the Permanent Secretary and such person or persons with the approval of the Minister of Finance or, in default of such agreement, as may be determined by an arbitrator mutually agreed upon by the Permanent Secretary and such person or persons or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or such person or persons in such proportion as the arbitrator determines.

26. (1) Notwithstanding anything to the contrary contained in the Patents Ordinance or any other law—

Acquisition of
certain rights
to patents by
the Authority.
Cap. 152.

(a) the Permanent Secretary or any person authorized thereto by him may, on the recommendation of the Authority, by notice in writing served upon the holder of or any applicant for a patent which in the opinion of the Authority relates to or can be applied in connection with the processing or use of any prescribed material or the production, application or use of atomic energy, advise such holder or applicant that it desires to acquire the rights in the patent or the rights of the applicant to obtain a patent, as the case may be, and the service of such a notice shall have the effect of divesting the person upon whom it has been served of any such rights and vesting those rights in the Authority;

(b) if any rights in respect of which a notice has been served under paragraph (a), have been assigned or if any licence has been granted under a patent in respect of which such a notice has been served, the Permanent Secretary shall simultaneously with the service of that notice, or as soon as possible thereafter, cause a copy of the notice to be served upon the assignee or licensee and may at the same time cause such assignee or licensee to be informed that it desires to cancel the assignment or licence, and in that event such assignment or licence shall be deemed to have been cancelled.

(2) A copy of any notice served under paragraph (a), and of any communication addressed under paragraph (b) to an assignee of any rights in a patent or to a licensee under a patent, shall forthwith be transmitted by the Permanent Secretary to the Registrar within the meaning of the Patents Ordinance.

(3) Such compensation in respect of the acquisition of any rights to a patent under this section shall be paid by the Permanent Secretary to the holder, applicant, assignee, or licensee, hereinafter called a "person interested in the patent", as may be agreed upon between the Permanent Secretary and such person interested in the patent with the approval of the Minister of Finance or, in default of such agreement, as may be determined by an arbitrator mutually agreed upon by the Permanent Secretary and such person interested in the patent or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or such person interested in the patent in such proportion as the arbitrator determines.

27. (1) The Permanent Secretary may, on the recommendation of the Authority, cause to be served on any person who is party to a contract relating to the production or use of atomic energy or research into matters connected therewith, not being a contract for the rendering of personal services, a notice in writing stating that on such date as shall be specified in the notice the rights and liabilities of that person under the contract will be transferred to the Authority.

(2) Where a notice under sub-section (1) is served on any person, then, subject to any withdrawal of the notice under the succeeding provisions of this section, the contract to which the notice relates shall, as regards any rights exercisable, or liabilities incurred on or after the date specified in the notice in accordance with the provisions of sub-section (1), have effect as if the Authority were a party to the contract instead of such person and as if for any reference in the contract to such person there were substituted a reference to the Authority.

(3) A notice under sub-section (1) shall contain a statement to the effect that objections may be made thereto within such time and in such manner as shall be specified in the notice, and if any such objection is duly made and not withdrawn, the Permanent Secretary shall afford an opportunity to the person making the objections of appearing before and being heard by a person appointed by the Permanent Secretary for the purpose. The person so appointed shall make a report on such objections to the Permanent Secretary.

(4) After considering the objections duly made to a notice under sub-section (1) and the report made on such objections under sub-section (3), the Permanent Secretary may cause to be served on the person on whom that notice was served a further notice in writing withdrawing the original notice, and if the original notice has already taken effect, it shall cease to operate in relation to the contract to which it relates as regards any rights exercisable, or liabilities incurred, on or after the date on which the notice of withdrawal was served.

(5) Where the rights and liabilities of a party to a contract are transferred to the Authority under this section, the Permanent Secretary shall pay to that party such compensation in respect of any loss suffered by that party as may be agreed upon between the Permanent Secretary and that party with the approval of the Minister of Finance or, in default of such agreement, as may be determined by an arbitrator mutually agreed by the Permanent Secretary and that party or, failing such last-mentioned agreement, by an arbitrator appointed by the District Judge of Colombo. The arbitrator may, if he thinks fit, be assisted by not more than two assessors, and the fees of the arbitrator and assessors shall be payable by the Permanent Secretary or that party in such proportion as the arbitrator determines.

Funds of the
Authority.

28. (1) Such sums as may from time to time be granted for the purposes of the Authority by Parliament or by resolution of the House of Representatives shall form part of the funds of the Authority.

(2) The Authority may utilize its funds for defraying all expenditure incurred in the exercise of its powers and performance of its functions under this Act.

(3) Any expense incurred by the Permanent Secretary in the exercise of powers or the performance of functions under this Act shall be defrayed or paid out of the funds of the Authority.

Disclosure of
information
obtained under
the Act.

29. Any person who, without the consent of the Authority, discloses any information obtained in the exercise of powers under this Act, shall be guilty of an offence.

Punishment for
offences under
this Act.

30. (1) Any person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding one thousand rupees or to both such imprisonment and such fine.

(2) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body, or was purporting to act in any such capacity, shall be deemed to be guilty of 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 in that capacity and to all the circumstances.

Advisory
Committee.

31. (1) The Minister shall appoint an Advisory Committee consisting of such number of persons as may be determined by him. The members of such Committee shall be persons who have experience of all or any of the matters specified in sub-section (1) of section 15. Such Committee shall advise the Authority on any such question relating to any of the aforesaid matters as may be referred to it by the Authority.

(2) Every member of the Advisory Committee shall hold and vacate his office as such member in accordance with the terms of his appointment, but he may

resign his office by letter addressed to the Minister. He shall, on ceasing to be a member of such Committee, be eligible for reappointment.

(3) The Minister shall appoint one of the members of the Advisory Committee to be the Chairman of such Committee.

(4) The Advisory Committee may regulate its procedure.

32. (1) The Authority shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

Accounts and
audit thereof.

(2) The Authority shall cause its books to be balanced as on the thirtieth day of September in each year and shall, before the thirty-first day of December next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Authority made up to the first-mentioned date. The income and expenditure account and the balance sheet shall be signed by the Chairman of the Authority, and by such officer of the Authority as may be authorized by the Authority to do so.

(3) The Authority shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor who shall act under his direction and control.

(4) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Authority the Auditor-General shall be paid from the funds of the Authority such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Authority by the Auditor-General shall, after deduction of any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(5) For the purposes of this section, the expression "qualified auditor" means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

(6) The Auditor-General and any person assisting him in the audit of the accounts of the Authority shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Authority, as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Authority with such information within their knowledge as may be required for such purposes.

(7) The Auditor-General shall examine the accounts of the Authority and furnish a report—

(a) stating whether he has or has not obtained all the information and explanations required by him;

(b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Authority; and

(c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Authority.

(8) The Auditor-General shall transmit his report to the Authority.

Information
furnished to,
and directions
given by, the
Minister.

33. (1) The Authority shall furnish to the Minister such information as he may call for from time to time in respect of the activities and financial position of the Authority.

(2) The Minister may, from time to time, give the Authority general directions, and, after consultation with the Authority, give the Authority special directions, as to the exercise of the powers and the discharge of the duties of the Authority, and such directions shall be carried out by the Authority.

Annual report.

34. (1) The Authority shall annually prepare a written report of the Authority's work and finances during the year completed, including any information furnished to, and directions given by, the Minister under section 33, and shall transmit to the Minister—

(a) a copy of such report;

(b) a copy of the income and expenditure account and balance sheet in respect of such year certified by the Auditor-General; and

(c) a copy of the Auditor-General's report furnished under sub-section (8) of section 32.

(2) The Minister shall lay copies of the reports and statements referred to in sub-section (1) before the Senate and the House of Representatives.

35. The Authority may establish and regulate a provident fund for the benefit of all or any of the employees of the Authority and their departments or nominees, and may make contributions to such fund out of the moneys of the Authority.

Provident fund.

36. Any Crown land or any Crown building may, subject to such conditions as may be determined by the Minister with the concurrence of the Minister for the time being in charge of the subject of Crown lands, be made available for the use of, or be alienated to, the Authority for any purpose of the Authority or for the residence of any officer or servant of the Authority.

Crown land
and Crown
buildings.

37. (1) The Authority shall be exempt from the payment of any customs duty on any goods imported by the Authority if the Minister in consultation with the Minister of Finance approves of such exemption.

Exemptions
from certain
duties and
taxes.

(2) In the case of any instrument containing any agreement between the Authority and any other person and providing for making a payment to the Authority as a contribution to the general support of the Authority's work, both the Authority and such other person shall be exempt from the payment of any stamp duty on such instrument.

(3) Any person making a payment to the Authority as a contribution to the general support of the Authority's work, may claim the amount of the payment as a deduction from income, in the year in which the payment is actually made, for the purposes of computing liability for income tax, and the payment shall be deemed not to be a taxable gift for the purposes of the Inland Revenue Act, No. 4 of 1963.

Protection of members, &c., of the Authority for action taken under this Act or on the direction of the Authority.

38. (1) No suit or prosecution shall lie against any member, officer, servant or agent of the Authority for any act which in good faith is done or purports to be done by him under this Act or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the funds of the Authority, and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the funds of the Authority.

(3) Any expense incurred by any such person as is referred to in sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the funds of the Authority, unless such expense is recovered by him in such suit or prosecution.

No writ to issue against person or property of a member of the Authority.

39. No writ against person or property shall be issued against a member of the Authority in any action brought against the Authority.

Regulations.

40. (1) The Authority may make regulations generally for the purpose of giving effect to the principles and provisions of this Act and particularly in respect of any matter which is stated or required by this Act to be prescribed, or for or in respect of which regulations are required or authorized by this Act to be made.

(2) No regulation made under this Act shall have effect until it is approved by the Minister, confirmed by the Senate and the House of Representatives, and published in the *Gazette*.

Compensation for injury.

41. (1) If injury is caused to an employee of the Authority or to any other person by ionizing radiations from any material on any premises occupied by the Authority or from any waste discharged in whatever form on or from any such premises or from any material in the course of carriage on behalf of the Authority, the Authority shall be liable to pay compensation to such person in accordance with such scale as the Minister may specify by Order published in the *Gazette*:

Provided that the claim to such compensation shall be made, notwithstanding the provisions of any other law, within a period of thirty years, from the date of

the occurrence which gave rise to the claim or where the occurrence was a continuing one or was one of a succession of occurrences, the date of the last event in the course of the occurrence or succession of occurrences to which the claim relates.

(2) If any person who has been employed by any employer in any process in which ionization radiation occurs, for a continuous period of not less than six months, contracts any prescribed disease, such employer shall be liable notwithstanding the provisions of any other written law to pay to such person compensation in the prescribed manner unless the employer proves that the disease had not arisen as a result of such employment:

Provided always that a claim for payment of such compensation shall be made to such employer whilst such person is in the employment of such employer or within thirty years from the date on which such person ceased to be employed by such employer.

(3) If any person who has been employed by the Authority for a continuous period of not less than six months, contracts any disease specified by the Minister by Order, the Authority shall be liable to pay such person compensation specified by the Minister by Order unless the Authority proves that the disease had not arisen as a result of such employment:

Provided that the claim to such compensation shall be made while such person is in the employment of the Authority or within such time from the date on which such person ceased to be employed by the Authority as the Minister may specify by Order.

(4) The compensation referred to in sub-sections (1), (2) and (3) shall not be less than the sums payable for any corresponding injury under the Workmen's Compensation Ordinance, and where a claim is not admitted by the Authority, compensation may be recovered, as far as may be, in the same manner as in the Workmen's Compensation Ordinance.

Cap. 139.

(5) The provisions of this section shall not bar a person from recovering damages in a court of law, but, where damages are awarded the court shall take into consideration any compensation paid under this section.

Interpretation.

42. In this Act unless the context otherwise requires—

“ atomic energy ” means the energy released from atomic nuclei as a result of any process, but does not include energy released in any process of natural transmutation or radioactive decay which is not accelerated or influenced by external means;

“ material ” means any natural or artificial material, whether in solid or liquid or in the form of gas or vapour, and includes any manufactured article or any article which has been subjected to any artificial treatment or process;

“ Permanent Secretary ” means the Permanent Secretary to the Ministry of which the Minister is in charge;

“ plant ” includes any machinery, equipment or appliance, whether affixed to land or not;

“ prescribed substance ” means uranium, thorium, beryllium, lithium or any of their compounds, or any other substance which the Minister may by notification in the *Gazette* prescribe, being a substance which, in his opinion, ~~is~~ or may be used for the production or use of atomic energy or research into matters connected therewith; and

“ radioactive material ” means any material which consists of or contains any radioactive chemical element whether natural or artificial.

SCHEDULE

[Section 25 (1)].

Procedure for compulsory acquisition of plant

1. Where the Permanent Secretary proposes to acquire any plant under section 25 of this Act, he shall cause to be served upon the person appearing to him to be the owner thereof a notice in writing (hereinafter referred to as a “ notice of acquisition ”) specifying the plant to be acquired and requiring that person to make to him within a time specified in the notice a written declaration containing such particulars as may be so specified ~~W~~ regard to the ownership of that plant and to any agreement or charge by virtue of which any other person has an interest in that plant.

2. Upon the service of a notice of acquisition under paragraph 1 of this Schedule no plant to which the notice relates shall be removed from the premises in which the article is situated at the time of the service of the notice without the consent of such person as is specified in the notice; and if any person knowingly removes, or causes or permits to be removed, any article in contravention of this paragraph, he shall be guilty of an offence.

3. If it appears to the Permanent Secretary in consequence of any written declaration made to him in pursuance of paragraph 1 of this Schedule or otherwise that any person other than the person on whom the notice of acquisition was served is the owner of, or has an interest in, any article to which the notice relates, the Permanent Secretary shall cause to be served a copy of the notice of acquisition on that other person.

4. A notice of acquisition shall contain a statement to the effect that an objection may be made thereto within such time (not being less than twenty-eight days) and in such manner as may be specified in the notice, and if any such objection is duly made and not withdrawn, the Permanent Secretary shall afford an opportunity to the person making the objection of appearing before and being heard by a person appointed by the Permanent Secretary for the purpose, and if the person making the objection fails himself of the opportunity, the Permanent Secretary may afford to any other person to whom it appears to the Permanent Secretary expedient to afford it, an opportunity of being heard on the same occasion.

5. If any such objection as aforesaid is duly made and not withdrawn, the Permanent Secretary shall, after considering such objection and the report of the person appointed by the Permanent Secretary under paragraph 4 of this Schedule, cause to be served on the person upon whom the notice of acquisition of or copy thereof was served a further notice in writing either withdrawing the notice of acquisition or confirming it as respect all the articles to which it relates or such of those articles as may be specified.

6. Any plant with respect to which a notice of acquisition is served under this Schedule shall—

- (a) if no objection is duly made to the notice, vest, absolutely and free from all encumbrances, in the Permanent Secretary at the expiration of the time for making such an objection, and

- (b) if such an objection is duly made and the notice is confirmed as respects that article by a notice served under paragraph 5 of this Schedule, vest, absolutely and free from all encumbrances, in the Permanent Secretary on the service of the last-mentioned notice.