

RADIATION SAFETY AND SECURITY ACT, 2014

(Act 17 of 2014)

PART I - PRELIMINARY

SECTIONS

1. Short title and commencement
2. Interpretation
3. Application of the Act

PART II – COMPETENT AUTHORITY

4. Competent Authority
5. Director of Radiation Safety and other officers and employees

PART III – LICENCE FOR PRACTICE

6. Prohibition of practice
7. Application for engaging in practice
8. Requirements for licence
9. Grant of licence
10. Renewal of licence
11. New license for certain activities
12. Variation suspension and revocation of licence
13. Appeal

PART IV - RESPONSIBILITIES OF LICENSEES

14. Responsibilities
15. Death of licensee

PART V – INSPECTION

16. Inspection programs
17. Powers of inspectors
18. Categorisation of radioactive material

PART VI – ENFORCEMENT

19. Information to be made available to public
20. Administrative sanctions
21. Enforcement by inspectors

PART VII - IMPORT, EXPORT AND TRANSPORT OF MATERIAL

22. Import, export or transit of radioactive source
23. Transport of radioactive material or radiation source
24. Requirements for transport
25. No import, export or transit, etc., without licence

PART VIII - MANAGEMENT OF RADIOACTIVE WASTE

26. Management of radioactive waste

PART IX - OCCUPATIONAL EXPOSURE CONTROL

27. Restriction on employment
28. Dose limits

PART X - EMERGENCY PREPAREDNESS AND RESPONSE

29. Emergency preparedness and response plan
30. National plan for radiological emergencies

PART XI - SAFEGUARDS

31. Safeguards

PART XII - SECURITY OF RADIOACTIVE SOURCES AND PHYSICAL PROTECTION

32. No assistance to develop nuclear weapons
33. Report of loss of control
34. Physical protection
35. International cooperation and assistance
36. Protection of confidential information

PART XIII - LIABILITY FOR NUCLEAR DAMAGE

37. Nuclear installation
38. Liability for nuclear damage
39. Limitation for bringing claim
40. Priority for compensation
41. Jurisdiction

PART XIV - OFFENCES AND PENALTIES

42. Offences and penalties
43. Obstruction of inspectors
44. Extradition

PART XV - MISCELLANEOUS

45. Protection of action in good faith
46. Radiation Safety and Security Fund
47. Annual report
48. Regulation
49. Transitional



RADIATION SAFETY AND SECURITY ACT, 2014

(Act 17 of 2014)



I assent

A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

3rd October, 2014

AN ACT to provide for protection of persons, society and environment against the harmful effects of ionizing radiation, risks associated with exposure to ionizing radiation, for the security of radioactive and nuclear materials and their safeguards, and for designating a competent authority for radiation safety, security and protection and for matters connected therewith or incidental therewith.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Radiation Safety and Security Act, 2014 and shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Short title and commencement

Interpretation

2. In this Act —

“atomic energy” means any type of energy emitted from radio isotopes, nuclear reactions, X-ray equipment or other radiation generators emitting ionizing radiation;

“Competent Authority” means the Competent Authority referred to in section 4(1);

“exclusive economic zone” has the same meaning as in section 9 of the Maritime Zones Act, 1999;

“exemption” means a determination by the Competent Authority that a practice is considered to pose a sufficiently low radiation risk as to require no regulatory control;

“export” means the physical transfer of nuclear material and related equipment, information and technology, originating from Seychelles, into an importing State;

“facility” means a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or any location where nuclear material in amounts greater than one effective kilogram is customarily used;

“fundamental principles” means the principles of justification of practices, optimisation of exposures and dose limitation defined by the international safety standards;

“International Atomic Energy Agency” means the Agency established under its Statutes made at the Headquarters of the United Nations, on 26th day of October, 1956;

“import” means the physical transfer of nuclear material and related equipment, information and technology, into Seychelles, originating from an exporting State;

“inspector” means a person appointed as such under section 16(2);

“ionizing radiation” means gamma rays, X-rays or corpuscular radiations which are capable of producing ions directly or indirectly;

“licence” means an authorisation granted by the Competent Authority on the basis of an assessment of safety and security and accompanied by specific requirements and conditions to be complied with by the licensee or the applicant for a licence;

“licensee” means the holder of a current licence granted for a practice, who has recognised rights and duties for the practice particularly in relation to the safety and security;

“Minister” means the Minister responsible for employment;

“nuclear material” means any source or any special fissionable material as defined in the relevant Safeguards Agreements entered into between Seychelles and the International Atomic Energy Agency, but does not include the application of source material to ore or ore residue;

“practice” means any human activity that introduces additional sources of exposure or extends exposure to persons from an existing source so as to increase the exposure or the likelihood of exposure of persons or the number of persons exposed;

“protection and safety” means the protection of persons against exposure to ionizing radiation or radioactive substances and the safety of radiation sources, including the means of achieving such protection and safety, such as the various procedures and devices for keeping person’s doses and risks as low as can be reasonably achieved and below dose constraints prescribed by the Competent Authority, as well as the means of preventing accidents and for mitigating the consequences of accidents;

“radiation generator” means a device capable of generating radiation, such as X-rays, neutrons, electrons or other charged particles which may be used for scientific, educational, industrial or medical purposes;

“radioactive material” means any material emitting ionizing radiation above the exemption level that may cause a risk of disability or disease as a result of exposure;

“radioactive waste” means material in whatever physical form, remaining from practices or interventions for which no further use is foreseen —

- (a) that contains or is contaminated with radioactive substances and has an activity or activity concentration higher than the level for clearance from regulatory requirements; and
- (b) exposure to which is not excluded under applicable regulations;

“sealed source” means any radioactive material that is —

- (a) permanently sealed in a capsule; or
- (b) closely bounded and in a solid form,

in a manner which is strong enough to maintain leak tightness under the conditions of use and where for which the source was designed, also under foreseeable mishaps;

“security” means the prevention and detection of, and response to theft, sabotage, unauthorised access, illegal transfer or other malicious acts involving nuclear or other radioactive material, related equipment and associated facilities;

“source” means anything that may cause radiation exposure such as by emitting ionizing radiation or releasing radioactive substances or materials.

“Safeguards Agreement” means the Agreement between the Republic of Seychelles and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, entered into force on 19 July, 2004 as amended on 31 October 2006, and the Protocol Additional thereto entered into force on 13 October 2004.

3.(1) This Act shall apply to all practices involving the peaceful use of nuclear material and ionizing radiation conducted in the territory or exclusive economic zone of Seychelles including, not limited to production, possession, use, import, export, transport, transfer, handling and management or any other practices identified by the Competent Authority.

Application
of the Act

(2) This Act shall not apply to —

- (a) practices involving exposures that have been excluded from regulatory control through regulations established by the Competent Authority; and
- (b) the regulation of sources of non-ionizing radiation.

PART II – COMPETENT AUTHORITY

Competent
Authority

4.(1) The Minister responsible for employment shall be the Competent Authority for the purposes of this Act.

(2) The Competent Authority shall perform the following functions, namely—

- (a) develop the national policies and measures for the regulatory control of practices of peaceful use of nuclear material and ionizing radiation;
- (b) frame and issue necessary guidelines for the effective implementation of this Act;
- (c) establish standards for the protection of public health, safety, security and the environment from potential adverse effects of ionizing radiation in accordance with the fundamental principles of radiation protection and nuclear security;
- (d) issue, amend, suspend or revoke licence for practices involving nuclear material and ionizing radiation;
- (e) advise the practices exempt from regulatory control and clearance levels;
- (f) inspect and assess the practices for the purpose of compliance with this Act;

- (g) take enforcement measures in the event of non-compliance or violation of this Act or the requirements of licence;
- (h) lay down conditions to be met by the person before grant of a licence under this Act;
- (i) fix fees or charges for licences or inspections;
- (j) obtain the advice of experts when necessary to assist in the performance of its functions;
- (k) define the exposures of persons to ionizing radiation which are excluded from the application of this Act;
- (l) establish and maintain a national register of radiation sources and licensees and to protect information contained in the national register;
- (m) cooperate with the International Atomic Energy Agency in the application of safeguards;
- (n) establish and maintain a system of accounting for control of nuclear material, and a record keeping and reporting system for the licence for nuclear material;
- (o) establish and implement, in cooperation with other Government departments, a system of control for the export and import of nuclear and other radioactive materials, sources, equipment, information and technology necessary to protect the safety and security of nuclear material, and to implement international commitments;

- (p) cooperate with the Ministry responsible for security to implement regulatory measures for the security of radioactive materials, related equipment and associated facilities, including measures of physical protection and to detect, prevent and respond to unauthorised acts involving such materials, equipment or facilities;
- (q) cooperate with Government departments or organisations to establish and maintain a national emergency response plan for preparedness and response to emergencies involving nuclear or other radioactive materials;
- (r) exchange information when necessary and cooperate with international regulatory authorities and international organisations on matters arising from the exercise of its functions;
- (s) educate and inform the public and other stake-holders about the safety and security aspects of regulated activities and practices, including incidents, accidents and abnormal occurrences;
- (t) perform such other functions necessary for the protection of the public health, safety, security and the environment.

5.(1) There shall be a Director of Radiation Safety, to be appointed by the Minister, to assist and advise the Competent Authority in the discharge of its functions under this Act.

Director of
Radiation
Safety and
other officers
and employees

(2) A person shall not be eligible for appointment under subsection (1) unless the person possesses qualification, knowledge and experience in the field of atomic energy and related fields.

(3) A person shall not be appointed under subsection (1) if—

- (a) the person is a licensee;
- (b) the person's relative is a licensee; or
- (c) any person referred to in paragraph (a) or (b) has a financial interest in a body corporate or other organisation which is a licensee.

(4) The Competent Authority may establish an advisory committee or utilise the services of consultants necessary to advise the Competent Authority in the performance of its functions under this Act.

(5) The Minister shall, on such terms and conditions as it may deem fit, employ such persons as may be necessary in the performance of the functions of the Competent Authority under this Act.

(6) The persons employed under subsection (5) shall be under the administrative and supervisory control of the Director of Radiation Safety.

PART III – LICENCE FOR PRACTICE

6. A person shall not engage in a practice, including the management of radioactive waste, unless he or she obtains a licence from the Competent Authority, or the practice has been exempted from regulatory control.

Prohibition of
practice

7. A person who intends to engage in a practice shall submit an application to the Competent Authority of his or her intention in the form, manner and within the time prescribed by the regulations.

Application
for engaging
in practice

8. A person shall not be eligible to make an application under subsection (7) unless he or she fulfils the following conditions, namely—

Requirements
for licence

- (a) possesses an adequate understanding of the fundamental principles of radiation safety and security;
- (b) takes all steps necessary for the protection and safety of workers and the public by keeping doses below the relevant threshold, and to ensure that all reasonable steps are taken to minimise adverse effects in the environment;
- (c) has the capacity to plan and implement the technical and organisational measures necessary to ensure adequate safety, including effective defences against radiological hazards;
- (d) prepares an appropriate emergency plan;
- (e) ensures compliance with the dose limits established by the Competent Authority and monitor the radiation exposure of workers;
- (f) possesses adequate human and financial resources to conduct the practice in a manner that ensures safety and security;
- (g) makes all necessary contractual arrangements for the return of the radioactive source, at the end of its useful life, to the supplier, its successor, and the exporting country;
- (h) makes adequate financial arrangements for waste disposal and decommissioning;
- (i) provides access to inspectors of the Competent Authority to all locations necessary for the performance of their duties;

- (j) not modify the conduct of any authorised practice in a manner that could affect the protection of workers or the public without seeking the approval of the Competent Authority;
- (k) provides, upon request or pursuant to the requirements in the regulations, all information considered necessary by the Competent Authority; and
- (l) designates a person responsible for accounting for and controlling nuclear material and providing information to the Competent Authority as required in the Safeguards Agreement.

Grant of licence

9.(1) The Competent Authority shall examine and assess the application received under section 7 and may, on being satisfied that all the conditions are met, grant a licence to the applicant for a period specified in the licence, which shall be subject to such conditions as it may consider appropriate.

(2) When an application received under section 7 is refused, the Competent Authority shall record the reason thereof and inform the reasons of refusal to the applicant.

(3) The Competent Authority shall establish the procedures for making the application for licence to engage in a practice and disseminate the information on the procedures, including—

- (a) practices requiring a licence;
- (b) procedures and requirements for application, its consideration and grant of licence;
- (c) criteria to be considered for grant of a licence;

- (d) conditions or qualifications to be met by the applicant for a licence;
 - (e) procedures and requirements for public participation in the licensing process; and
 - (f) information on any fees required for licences.
- (4) The Competent Authority may suspend, modify or revoke a licence if the conditions are not met.
- (5) A licence shall not be transferable.
- (6) A licence may be surrendered by the holder by giving notice to the Competent Authority, subject to the decision of the Competent Authority as to whether the surrender of the licence shall not jeopardise the public health, safety, security and protection of the environment.

Renewal
of licence

10.(1) Any licensee who wishes to renew the licence shall make an application to the Competent Authority in such form and within such period prescribed by regulations.

(2) On receipt of an application under subsection (1), the Competent Authority may require the applicant to furnish —

- (a) any additional information that it considers relevant; and
- (b) statement on compliance with the requirements of section 8.

(3) The Competent Authority may, in case of renewal of the licence, impose such conditions that it may consider appropriate.

(4) A licence shall not be renewed unless the applicant pays the prescribed fee.

11. A new licence shall be required in the case of —

- (a) the proposed use is different or there is significant modification to the premises, facility, nuclear material or sources;
- (b) the proposed use is for different nuclear material, radioactive materials or larger quantities of materials;
- (c) a change taking place at the site of the premises or their surroundings which is likely to affect radiation protection requirements; and
- (d) upon the death of a licensee.

New licence
for certain
activities

12. (1) The Competent Authority may, on written request of the licensee, vary or modify the conditions of the licence, subject to such conditions as it may consider appropriate.

Variation
suspension
and revocation
of licence

(2) Subject to subsections (4), (6) and (7), the Competent Authority may suspend or revoke a licence where it is satisfied that —

- (a) the licensee has contravened this Act or any regulations made thereunder, or acted in breach of a condition of the licence;
- (b) the licensee has ceased to operate under the licence;
- (c) the licensee has furnished to the Competent Authority an information which is false or misleading; or
- (d) it is in the public interest to do so.

(3) Subject to subsections (4), (6) and (7), the Competent Authority may, on its own motion, vary the terms

and conditions of a licence for the reasons specified in the subsection (2).

- (4) The Competent Authority, before taking a decision to vary the condition of, or revoke, a licence under this section, shall—
- (a) give a written notice to the licensee specifying the reasons thereof; and
 - (b) require the licensee to furnish the reply within the time specified in the notice.

(5) The Competent Authority shall, after considering the reply of the licensee, inform the licensee in writing of its decision and specify the reasons thereof.

(6) Where the urgency of the matter so requires, the Competent Authority may forthwith suspend a licence on any ground specified in subsection (2).

(7) A suspension of a licence effected pursuant to subsection (2) or (6) shall, unless revoked, come to an end on the expiry of 30 days from the date of the suspension.

(8) Where the licence is suspended or revoked—

- (a) the licensee shall take such steps as may be directed by the Competent Authority; and
- (b) the Director of the Radiation Safety may cause seals to be affixed, at the licensee's premises or site, facility, plant, installations or apparatus using nuclear material, ionizing radiation and radioactive material for which the licence was issued.

13.(1) Any person aggrieved by a decision of the Competent Authority under section 10, 11 or 12, may appeal to

Appeal

the Minister, by a written memorandum of appeal together with the grounds of appeal, within 14 days from the date of the decision.

(2) The Minister shall, on receipt of a notice of appeal under subsection (1), appoint an Appeals Committee to consider and decide the appeal.

(3) The Appeals Committee shall consist of—

- (a) a chairperson who shall be a legal practitioner with at least 3 years' experience; and
- (b) two other members with at least 3 years' experience in the field of radiation safety and security.

(4) A person shall not be eligible to be appointed to the Appeals Committee if the person—

- (a) is a licensee; or
- (b) has a direct or indirect interest in a matter to be considered by the Appeals Committee.

(5) The chairperson and the members of the Appeals Committee shall be paid such fees as the Minister may determine.

(6) The Appeals Committee may regulate its own proceedings.

(7) The Appeals Committee may after considering the appeal—

- (a) reject the appeal and confirm the decision of the Competent Authority;

- (b) allow the appeal in whole or in part and vary the decision of the Competent Authority;
- (c) set aside the decision of the Competent Authority and make a decision in substitution for it; or
- (d) direct the Competent Authority to reconsider its decision,

and the appellant shall be notified in writing of the decision of the Appeals Committee on the appeal.

PART IV - RESPONSIBILITIES OF LICENSEES

Responsibilities

14.(1) The responsibility for the safety and security of radiation sources and nuclear materials rests with the licensee, who may seek advice from the Competent Authority.

(2) A licensee shall —

- (a) be responsible for ensuring that exposure to ionizing radiation resulting directly from the licensee's activity is kept as low as reasonably achievable;
- (b) appoint a person experienced in radiation health and safety measures as radiation safety officer who shall also be responsible for accounting for and control of nuclear material;
- (c) take all reasonable steps to ensure that every person under the licensee's supervision or control complies with requirements of this Act;
- (d) ensure that all occupationally exposed employees are subject to individual and collective monitoring for dose assessment;

- (e) ensure that occupationally exposed employees are given proper instructions on radiation safety measures and undergo a medical test prescribed by regulations;
- (f) report to the Competent Authority, any incident which happens, within 24 hours of its occurrence; and
- (g) report to the Competent Authority any loss, theft or diversion for unauthorised purposes of any nuclear material, radioactive material, radioactive substance, radioactive waste or a radiation emitting equipment, within 24 hours after that fact came to the licensees' knowledge.

(3) A licensee shall provide all assistance required by the Director of the Radiation Safety or an inspector for inspection, examination, inquiry, the taking of samples or otherwise for the discharge of their functions under this Act.

15.(1) Subject to subsection (2), where a licensee dies, the licence shall terminate and any practice or authorised activity governed by the licensee shall cease.

Death of licensee

(2) Where, after the notification of the death of a licensee, a person acceptable to the Competent Authority agrees to take over the licence and continue the practice, the licence shall remain valid for a period of three months after the death of the licensee and the person shall assume all the duties and responsibilities of a licensee under this Act.

(3) The person who has agreed to take over the licence under subsection (2) shall within the period specified in that subsection, apply to the Competent Authority for grant of a regular licence under this Act.

PART V - INSPECTION

- 16.(1) The Competent Authority shall establish an inspection program to monitor and ensure the compliance with this Act.
- (2) The Minister shall appoint such person as inspectors, who possess the qualifications and experience prescribed by regulations.
- (3) The Competent Authority shall establish such training programs necessary for the inspectors and ensure that every inspector undergoes the training to achieve the desired level of competence for effective performance of functions of the inspectors.
- (4) The results of inspections shall be made available to relevant officials and licensees for the purposes of taking corrective and enforcement actions.

Inspection programs

Powers of inspectors

- 17.(1) An inspector may —
- (a) at any reasonable time, enter, inspect and examine any facility, premises, vehicle, vessel, aircraft or any carriage in which they reasonably suspect, that radioactive material or any source of ionizing radiation is stored, used, transported or disposed of with a view to —
- (i) obtain information about the status of radiation safety and security of sources, accounting and control measures;
- (ii) ensure compliance with the provisions of this Act and applicable regulations and conditions of the licence;
- (iii) investigate any incident or accident

involving nuclear material or radiation sources; or

- (iv) question any person whose duties may be pertinent to the enquiry being conducted;
- (b) require the production of the licence for the use or import, as the case may be, of any nuclear material, radioactive material, or source of ionizing radiation;
- (c) require a licensee, by a written notice, to have his or her employees who are or may be exposed to ionizing radiation to be monitored and medically examined; or
- (d) require any person, by a written notice, to be medically examined and subject to individual monitoring.
- (2) The inspector shall, whenever practicable, give reasonable notice of his or her intention to carry out an inspection under this Act, except in the case of an emergency.
18. The requirements laid down by the Competent Authority pursuant to Parts III and IV shall include the categorisation of radioactive materials that takes into account the potential hazard posed by types, quantities and activity levels of such material.

Categorisation of radioactive material

PART VI – ENFORCEMENT

19. The Competent Authority shall take measures to make available to the public the information concerning the enforcement program, including relevant institutional arrangements, procedures, sanctions, penalties and procedures for appeals from the decisions of the Competent Authority.

Information to be made available to public

- (b) order the holder of a licence to prohibit workers who do not meet applicable requirements from engaging in the practice; or
 - (c) order that nuclear or radioactive material handled in violation of this Act be seized and safely and securely stored;
- (2) The decision of an inspector under subsection (1) shall continue in force unless —
- (a) reversed or modified by the Competent Authority; or
 - (b) altered in an appeal.

PART VII - IMPORT, EXPORT AND TRANSPORT OF MATERIAL

22.(1) A person shall not import, export, re-export, transit or transship nuclear materials, equipment and technology without a licence or authorisation from the Competent Authority.

No import, export or transit, etc., without licence

(2) The necessary measure of control, import, export, re-export, transit and transshipment of nuclear materials, equipment and technology shall be prescribed for by regulations.

(3) The review and approval of licence under this section shall be conducted in consultation with the Minister responsible for importation and exportation.

Import, export or transit of radioactive source

23.(1) The procedures for a licence to import, export and transit of radioactive sources shall provide for an evaluation of information to ensure that the recipient is authorised to receive the requested source and has the capacity to ensure its safety and security.

to be in non-compliance with the conditions of this Act, in addition to the necessary measures to prevent a breach of the prescribed safety or significant hazard, the necessary remedial action shall be taken of an immediate safety or security hazard to the licensee or to any person to curtail its activities until the Competent Authority suspend, revoke, or modify the terms of the licence.

16.(1) The inspection programme duties may vary being

(2) The inspector for the purpose of any

training or

Inspection programs

Provision

(5) In case of persistent or serious non-compliance with the Act, regulations made thereunder, the conditions of the licence, or in case of a release of radioactive waste into the environment, the Competent Authority may revoke the licence, and require the licensee to remedy immediately any unsafe condition.

21.(1) In any case where an inspector has determined that a practice is being conducted in violation of this Act, or the conditions of a licence, the inspector may —

- (a) immediately order the temporary or permanent suspension of the activity or practice;

Enforcement by inspectors

Administrative
sanctions

20.(1) Where a licensee is found to be in non-compliance with this Act, regulations made thereunder or the conditions of the licence, the Competent Authority shall, in addition to the suspension or revocation of licence, take the necessary enforcement actions commensurate with the seriousness of the non-compliance.

(2) The licensee shall, subject to any enforcement action, take necessary measures to remedy the non-compliance as soon as possible, and to take necessary measures to prevent a recurrence.

(3) In case of non-compliance of the prescribed safety or security which does not involve significant hazard, the Competent Authority shall issue a warning in writing and determine the period during which remedial action shall be taken by the licensee.

(4) In case of an immediate safety or security hazard to persons or the environment, the Competent Authority shall require the licensee or to any person to curtail its activities until the situation has been corrected and the Competent Authority may suspend, revoke, or modify the terms of the licence.

(5) In case of persistent or serious non-compliance with the Act, regulations made thereunder, the conditions of the licence, or in case of a release of radioactive waste into the environment, the Competent Authority may revoke the licence, and require the licensee to remedy immediately any unsafe condition.

21.(1) In any case where an inspector has determined that a practice is being conducted in violation of this Act, or the conditions of a licence, the inspector may—

- (a) immediately order the temporary or permanent suspension of the activity or practice;

Enforcement
by inspectors

(b) order the holder of a licence to prohibit workers who do not meet applicable requirements from engaging in the practice; or

(c) order that nuclear or radioactive material handled in violation of this Act be seized and safely and securely stored;

(2) The decision of an inspector under subsection (1) shall continue in force unless—

(a) reversed or modified by the Competent Authority; or

(b) altered in an appeal.

PART VII - IMPORT, EXPORT AND TRANSPORT OF MATERIAL

22.(1) A person shall not import, export, re-export, transit or transship nuclear materials, equipment and technology without a licence or authorisation from the Competent Authority.

No import,
export or
transit, etc.,
without
licence

(2) The necessary measure of control, import, export, re-export, transit and transshipment of nuclear materials, equipment and technology shall be prescribed for by regulations.

(3) The review and approval of licence under this section shall be conducted in consultation with the Minister responsible for importation and exportation.

23.(1) The procedures for a licence to import, export and transit of radioactive sources shall provide for an evaluation of information to ensure that the recipient is authorised to receive the requested source and has the capacity to ensure its safety and security.

Import,
export or
transit of
radioactive
source

(2) The Competent Authority shall, for a request to export a source, satisfy itself that the recipient has, in so far as practicable, the appropriate technical and administrative capability, resources and regulatory structure required for the safe and secure management of the requested sources.

24.(1) A person shall not, without authorisation from the Competent Authority, transport any radioactive material, or radiation source on—

Transport of radioactive material or radiation source

- (a) any vessel or boat within the territorial waters and exclusive economic zone of Seychelles;
- (b) any aircraft within the airspace of Seychelles; or
- (c) any means of land transport.

(2) The person engaged in the transportation of radioactive material shall be responsible for ensuring the safety and security during the transportation.

Requirements for transport

25. The Competent Authority shall establish requirements for the transportation of radioactive materials to, from or within the jurisdiction of Seychelles by taking into account, the—

- (a) technical requirements of International Atomic Energy Agency Regulations for the safe transport of radioactive materials; and
- (b) measures for the physical protection of radioactive material.

PART VIII – MANAGEMENT OF RADIOACTIVE WASTE

26.(1) Any radioactive waste generated outside Seychelles shall not be imported into Seychelles for any purpose.

Management of radioactive waste

(2) A person shall not export any radioactive waste generated within Seychelles without a licence issued by the Competent Authority.

(3) If the transshipment of the export of radioactive waste under this section cannot be completed in conformity with this Act, the radioactive waste may be re-imported into Seychelles unless alternative safe and secure arrangements are made.

(4) A licensee of a nuclear waste disposal facility shall prepare a plan for the closure of that facility which includes both active and passive institutional controls and submit to the Competent Authority for approval prior to grant of licence for the operation of that facility.

(5) The Competent Authority shall, for ensuring the safe and secure management of radioactive waste, establish—

- (a) the safety and security requirements and regulations for the protection of people and the environment from adverse impacts of radioactive waste management activities;
- (b) the criteria and the procedure for grant of licence of radioactive waste management activities;
- (c) the procedure for inspection, documentation and reporting for radioactive waste management activities, and in the case of disposal, a system of institutional control; and
- (d) a mechanism of enforcement to ensure compliance with applicable regulations and the terms and conditions of the licence for radioactive waste management activities.

PART IX - OCCUPATIONAL EXPOSURE CONTROL

27.(1) A person shall not be engaged or required to work in a practice involving nuclear material, radioactive material or ionizing radiation unless the person —

- (a) is or above 18 years of age;
- (b) is found after medical examination to be free from any disease or weakness which could make that person vulnerable to the health hazards involved in the work he or she is so engaged in; and
- (c) undergoes medical surveillance at such intervals as may be required by the Competent Authority.

(2) When a person, engaged in practice involving ionizing radiation, or any person who in the course of his or her work or otherwise exposed to ionizing radiation, shows signs or symptoms of disease or injury which may be attributed to radiation, the employer of the person shall immediately make arrangements for the medical examination of that person.

28. The Competent Authority shall establish dose limits to persons occupationally exposed to ionizing radiation, which shall not be exceeded in conducting practices under regulatory control.

PART X - EMERGENCY PREPAREDNESS AND RESPONSE

29.(1) A person shall not engage in a practice or operate a facility or possess or use nuclear material or a source unless an appropriate emergency preparedness and response plan has been developed by the licensee and approved by the Competent Authority.

Emergency preparedness and response plan

(2) The Competent Authority shall determine the contents of the emergency plans taking into account the nature of the practice and the related risks.

30.(1) A national emergency plan for responding to potential nuclear or radiological emergencies shall be developed by the Minister responsible for disaster risk management, in collaboration with the Competent Authority.

National plan for radiological emergencies

(2) The Minister responsible for disaster risk management shall ensure the implementation of the national emergency plan in case of an emergency.

PART XI - SAFEGUARDS

31.(1) The Competent Authority and the licensee shall cooperate with the International Atomic Energy Agency in the implementation of safeguards by—

Safeguards

- (a) promptly providing information required pursuant to the Safeguards Agreement;
- (b) providing access to facilities and other locations as required by the Safeguards Agreement; and
- (c) cooperating with and facilitating the inspectors of the International Atomic Energy Agency in the performance of their tasks.

(2) A person performing any activity, subject to the Safeguards Agreements, shall allow the International Atomic Energy Agency and its inspectors to carry out any measures which the Agency considers necessary or expedient to comply with the safeguards requirements.

(3) The Competent Authority shall facilitate the inspectors of the International Atomic Energy Agency in securing any permission, including entry permit necessary to

enable the inspectors to travel to, from or within Seychelles for the performance of their functions and duties under the Safeguards Agreement.

(4) The Competent Authority shall ensure the effective implementation of the safeguards requirements in Seychelles by establishing and implementing the safeguards requirements, in accordance with the Safeguards Agreements —

- (a) a system for the measurement of nuclear material;
- (b) a system for the evaluation of measurement accuracy;
- (c) procedures for reviewing measurement differences;
- (d) procedures for carrying out physical inventories losses;
- (e) a system for evaluation of unmeasured inventories;
- (f) a system of records and reports for tracking nuclear material inventories and flows;
- (g) procedures for ensuring that accounting procedures and arrangements are being operated correctly; and
- (h) procedures for reporting to the International Atomic Energy Agency.

(5) A person performing an activity which is subject to the Safeguards Agreement shall submit to the Competent Authority the information and data necessary for compliance with the Safeguards Agreement.

PART XII - SECURITY OF RADIOACTIVE SOURCES AND PHYSICAL PROTECTION

32. A person shall not provide any assistance to another person whether in or outside Seychelles to develop, acquire, manufacture, possess, transport, transfer, use or threaten to use nuclear weapons or explosive devices or radiological dispersal devices.

No assistance
to develop
nuclear
weapons

33.(1) A licensee shall promptly report any loss of control over radioactive sources, any other situation or incident that could pose a significant risk to the safety or security.

Report of loss
of control

(2) The Competent Authority shall coordinate the development of a national strategy with relevant Government departments for promptly gaining control over orphan sources.

(3) The Competent Authority shall establish requirements for the physical protection of nuclear and other radioactive material, including —

- (a) a categorisation of material based on an assessment of damage that could result from theft or diversion of a certain type and quantity of material from licensed uses or from sabotage of a facility in which nuclear material is produced, processed, used, handled, stored or disposed of;
- (b) protection measures necessary for different categories of material;
- (c) accounting and control measures for nuclear and other radioactive material;
- (d) licensing requirements and procedures that include conditions for physical protection;

- (e) inspection and monitoring measures to verify compliance with applicable physical protection requirements; and
- (f) enforcement measures in case of non-compliance or violation of this Act or regulations made thereunder or any condition of the licence.
- 34.**(1) A licensee shall be responsible to ensure the security and physical protection of nuclear and radioactive material.
- (2) A licensee shall in the case of the threat of theft of nuclear or other radioactive material—
- (a) notify the Competent Authority immediately of the circumstances of the incident;
- (b) provide written information, including particulars, to the Competent Authority as soon as practicable after providing notice; and
- (c) provide any additional information as may be required by the Competent Authority.

Physical protection

International cooperation and assistance

Protection of confidential information

Interpretation for this Part

- (a) “operator”, in relation to a nuclear installation, means the person designated or recognised as the operator of that installation;
- (b) “nuclear damage” includes—
- (i) loss of life, any personal injury;
- (ii) loss of or damage to property;
- (iii) economic loss arising from loss or damage referred to in subparagraph (i) or (ii), insofar as not included in those sub-paragraphs, if incurred by a person entitled to claim in respect of such loss or damage;
- (iv) the costs of measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken;
- (v) loss of income deriving from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment, and insofar as not included in subparagraph (ii);
- (vi) the costs of preventive measures, and further loss or damage caused by such measures;
- (vii) any other loss, other than caused by the impairment of the environment, permitted by any written law relating to civil liability.

PART XIII - LIABILITY FOR NUCLEAR DAMAGE

- 37.** For the purposes of this Part—

“nuclear incident” means any occurrence which have the same origin which causes nuclear damage or, with respect to preventive measures, create a grave or imminent threat of causing such damage;

“special drawing right” means the unit of account defined by the International Monetary Fund and used by it for its own operations and transactions.

38.(1) The operator shall be liable for nuclear damage, caused by a vessel, aircraft or means of transportation in the territory or exclusive economic zone of Seychelles.

(2) The operator shall not be liable for nuclear damage that is proved —

- (a) to be directly caused by an act of armed conflict, hostilities or civil war; or
- (b) to be caused by an act or omission of the person claiming compensation, with intention to cause damage.

(3) The liability of the operator or carrier shall not be less than 300 million of special drawing rights for any nuclear incident.

39. The right to claim compensation for nuclear damage shall be brought within —

- (a) 30 years from the date on which the nuclear incident occurred for personal injury or loss of life; or
- (b) 10 years from the date on which the nuclear incident occurred for other nuclear damage.

Liability for nuclear damage

Limitation for bringing claim

40. Where claims exceed or are likely to exceed the amount made available for nuclear damage caused by a nuclear incident, priority shall be given to claims for loss of life or personal injury, before awarding compensation for other nuclear damage.

41. The Supreme Court shall have jurisdiction over —

- (a) any claim for compensation for nuclear damage caused by a nuclear incident within the territory or the exclusive economic zone of Seychelles for compensation;
- (b) any offence committed within the territory of Seychelles or on board a registered ship or aircraft or in the territorial water or exclusive economic zone of Seychelles;
- (c) any accused person who is a national of Seychelles; or
- (d) any accused person who is present in the territory of Seychelles and is not extradited to any other country asserting jurisdiction.

PART XIV – OFFENCES AND PENALTIES

42.(1) A person commits an offence, if he or she —

- (a) receives, possesses, uses, transfers, alters, disposes of or disperses nuclear or other radioactive material in a manner that causes or is likely to cause death or serious bodily injury to any person or substantial damage to property or to the environment;
- (b) steals nuclear or other radioactive material;
- (c) embezzles or fraudulently obtains nuclear or other radioactive material;

Priority for compensation

Jurisdiction

Offences and penalties

- (d) does any act constituting the carrying, sending, or moving of nuclear or other radioactive material into or out of Seychelles without lawful authority;
- (e) does any act constituting an unlawful demand for nuclear or other radioactive material by the threat or the use of force or by any other form of intimidation;
- (f) threatens —
- (i) to use nuclear or other radioactive material to cause death or serious injury to persons or significant damage to property or to the environment or to commit an offence described in paragraph (e), or
- (ii) to commit an offence described in paragraphs (b) or (e) in order to compel a natural or legal person, international organization or any governmental body in Seychelles to do or to refrain from doing any act;
- (g) attempts to commit any offence described in paragraphs (a) to (e);
- (h) participates in any offence described in paragraphs (a) to (g);
- (i) organizes or directs others to commit an offence described in paragraphs (a) to (g); or
- (j) does any act which contributes to the commission of any offence described in paragraphs (a) to (g) by a group of persons acting with a common purpose or intention with —

- (i) the aim of furthering the activity or purpose of the group, where such activity or purpose involves the commission of an offence described in paragraphs (a) to (f); or
- (ii) the knowledge of the intention of the group to commit an offence described in paragraphs (a) to (f).
- (2) A person who commits an offence under subsection (1) shall, on conviction, be liable to a fine not exceeding SCR100,000 and to imprisonment for a term not exceeding 5 years.

43. A person who —

Obstruction
of
inspectors

- (a) obstructs an inspector or officer in the performance of his or her functions or discharge of duties under this Act;
- (b) makes a statement or gives any information under this Act which is false or misleading;
- (c) discloses any confidential information in contravention of section 35; or
- (d) contravenes any provision of this Act or regulations made thereunder for which no punishment has been provided,

commits an offence and shall, on conviction, be liable to a fine not exceeding SCR50,000 and to imprisonment for a term not exceeding 2 years.

- 44.** A person accused of committing an offence under this Act may be extradited in accordance with the provisions of the Extradition Act, 1991.

Extradition

PART XV – MISCELLANEOUS

45. A civil or criminal liability shall not lie against the Competent Authority, its inspectors or the Director of Radiation Safety in respect of any loss arising from any acts done in good faith in the performance of their functions under this Act.

Protection
of action in
good faith

46.(1) There shall be a Radiation Safety and Security Fund which shall consist of —

Radiation
Safety and
Security Fund

- (a) moneys appropriated by an Appropriation Act; and
- (b) moneys accruing to the Competent Authority from its operations under this Act;

(2) The Fund shall be applied for —

- (a) the discharge of the expenses in carrying out the functions under this Act;
- (b) the payment of emoluments to the Director of Radiation Safety, inspectors and other officers and employees of the Competent Authority; and
- (c) the other expenses necessary or expedient for purposes or objectives of this Act.

(3) The Competent Authority shall be responsible for the management and administration of the Fund.

(4) The financial year of the Fund shall be the calendar year.

(5) The Competent Authority shall keep proper accounts and other relevant records in the form and manner approved by the Auditor General.

(6) The accounts of the Fund shall be audited by the Auditor General in accordance with article 158 of the Constitution.

(7) Where the accounts and the statement of accounts of the Fund in respect of a financial year have been audited, the Competent Authority shall furnish to the Minister a copy of the statement together with a copy of any report by the Auditor General on the statement of accounts or on the accounts of the Fund.

47. The Competent Authority shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister an annual report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be laid before the National Assembly.

Annual report

48.(1) The Minister may make regulations for carrying into effect the provisions of this Act and in particular, amongst other matters, to provide for —

Regulations

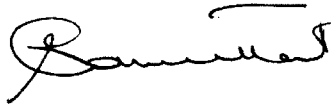
- (a) the safety and security measures to be implemented;
- (b) control of the importation, transport, handling, storage and use of radioactive materials, and radiation generators;
- (c) exemption of any radioactive material, or radiation generator from control;
- (d) form and content of the licence and the procedures for issue, renewal, suspension and revocation of licence;
- (e) management of radioactive waste and for measures for the protection of the environment from the disposal of radioactive waste;

- (f) levying of fees and charges;
- (g) registration of workers exposed to radiation in the normal course of their work;
- (h) any other matter which is necessary or expedient to be prescribed for the purposes of this Act.

Transitional

49. Any person who, on the commencement of this Act, has in his or her possession, custody or under his or her control any nuclear material, radioactive material, or radiation generator, shall within 3 months from the commencement of this Act, apply for a licence to the Competent Authority in accordance with this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 16th September, 2014.



Ms. Shelda Commettant
Acting Clerk to the National Assembly