



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

SRI LANKA ATOMIC ENERGY

A

BILL

to provide for the establishment of the Sri Lanka Atomic Energy Board; for the promotion and encouragement of the use of nuclear science and technology for national development purposes; for the establishment of the Sri Lanka Atomic Energy Regulatory Council ; for the regulation of practices involving ionizing radiation and the safety and security of sources; for the prohibition of nuclear weapons and ensuring safeguards; and to repeal the Atomic Energy Authority Act, No. 19 of 1969 and for matters connected therewith or incidental thereto.

*Presented by the Minister of Technology and Research
on 10th October, 2014*

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Sri Lanka Atomic Energy

L.D.—O 39/2011

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA ATOMIC ENERGY BOARD; FOR THE PROMOTION AND ENCOURAGEMENT OF THE USE OF NUCLEAR SCIENCE AND TECHNOLOGY FOR NATIONAL DEVELOPMENT PURPOSES; FOR THE ESTABLISHMENT OF THE SRI LANKA ATOMIC ENERGY REGULATORY COUNCIL ; FOR THE REGULATION OF PRACTICES INVOLVING IONIZING RADIATION AND THE SAFETY AND SECURITY OF SOURCES; FOR THE PROHIBITION OF NUCLEAR WEAPONS AND ENSURING SAFEGUARDS; AND TO REPEAL THE ATOMIC ENERGY AUTHORITY ACT, NO.19 OF 1969 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS it has become necessary to permit the beneficial and peaceful applications of nuclear science and technology in health, industry, environment and agriculture, for national development within Sri Lanka. Preamble.

5 AND WHEREAS it has become necessary to provide for adequate protection of individuals, society and the environment now and in the future, against the potentially harmful effects of ionizing radiation and for the safety and security of radiation sources, by the establishment and
10 maintenance of a regulatory control system, including the adoption of standards, licensing system, inspection and enforcement to govern all practices involving ionizing radiation:

15 AND WHEREAS it has become necessary for the Government of Sri Lanka to fulfill its obligations under relevant international instruments in the field of nuclear energy entered into by Sri Lanka and in particular the Treaty on the Non-Proliferation of Nuclear Weapons and the Safeguards Agreements:

20 Now Therefore be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Sri Lanka Atomic Energy Act, No. of 2014 and shall come in to operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the “appointed date”).

Short Title
and date of
operation.

5

PART I

CHAPTER I

ESTABLISHMENT OF THE SRI LANKA ATOMIC ENERGY BOARD

2. (1) There shall be established an authority to be called and known as the Sri Lanka Atomic Energy Board (hereinafter referred to as the “Board”) which shall consist of the members referred to in section 6.

Establishment
of the Sri
Lanka
Atomic
Energy
Board .

(2) The Board shall by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. The objectives of the Board shall be to –

Objectives of
the Board.

- (a) promote and encourage the peaceful application of nuclear technology and provide services using such technology;
- (b) conduct research on nuclear science and on developing peaceful application of nuclear technology, for the purpose of achieving national objectives;
- (c) promote and support innovations to ensure safety and security systems and quality in the peaceful uses of nuclear technology;
- (d) provide radiation protection services to meet regulatory requirements relating to nuclear applications; and

- (e) engage in activities involving ionizing radiation and complementary techniques, for commercial or other purposes.

4. The duties and functions of the Board shall be to :- Duties and functions of the Board.

- 5 (a) utilize radioactive materials and ionizing radiation whether along with complementary techniques or otherwise, for medical, environmental, agricultural, industrial and other peaceful purposes and for scientific and technological advancement as may be required for national development;
- 10 (b) carry out research relating to the application of ionizing radiation, whether along with complementary techniques or otherwise;
- 15 (c) ensure that adequate facilities and arrangements are made available for the appropriate training of the staff of the Board and of the officers of any other relevant institutions;
- 20 (d) provide on request and where it considers it appropriate, to any relevant government institution or any non-governmental institution whether national or international, and to the general public, information relating to the utilization of nuclear technology or other radioactive materials, where available;
- 25 (e) promote the establishment of professional organizations and societies to assist in the application of ionizing radiation, whether along with complementary methods or otherwise, and provide where available any connected services;
- 30 (f) construct and operate research centers, laboratories and pilot plants in the field of nuclear technology, radiological applications and other related areas;

- (g) build and operate installations or facilities for the production and distribution of radioisotopes and for the management and disposal of radioactive wastes;
- 5 (h) assist in the sustainable development of the peaceful application of nuclear technology;
- (i) explore the availability of radioactive mineral resources within Sri Lanka;
- 10 (j) establish, maintain and develop scientific and technical cooperation with such local or international institutions or organizations as the Board deems conducive, for the attainment of its objectives;
- 15 (k) enter into commercial and other ventures involving ionizing radiation or other complementary techniques;
- (l) furnish the Minister with information relating to the performance and discharge of its duties and functions; and
- 20 (m) perform and discharge such other duties and functions as in the opinion of the Board, are necessary in achieving the objectives of the Board.

5. In addition to any powers that are expressly conferred on the Board by this Act, the Board shall for the effective discharge of its functions, have the power to – Powers of the Board.

- (a) erect, equip and maintain laboratories, libraries, workshops and any other buildings as are necessary for the effective discharge of its functions;

- (b) collect, print and publish reports, periodicals and papers on any subject relevant to or connected with the functions of the Board;
- 5 (c) enter into agreements with the approval of the Minister, for cooperation with institutions within or outside Sri Lanka, having objectives wholly or partly similar to those of the Board;
- 10 (d) provide testing services to ascertain levels of radioactive contamination and ionizing radiation in any material, commodity or object;
- (e) provide calibration services and services for radiation measuring equipment and dosimetry services;
- 15 (f) manufacture, buy, import or acquire, store, sell, transport or export any article which in the opinion of the Board is or is likely to be required in connection with the production or use of ionizing radiation or any research and to dispose of any such article;
- 20 (g) make available for use in connection with any research or production conducted or carried out by any institution or person other than the Board, any equipment or facilities belonging to the Board in such manner as it may determine;
- 25 (h) take adequate measures to ensure the safety and security of any radioactive sources or radioactive waste for which no licence has been issued under this Act or for which no owner can be found, on receipt of information regarding the same;
- 30 (i) disseminate information and train persons in matters relating to nuclear science and technology, radioactive materials and related matters;

- 5 (j) make arrangements with Universities, Government Departments and any other institutions or persons both within and outside Sri Lanka, for the conduct of research and development activities into matters connected with nuclear science and technology, ionizing radiation or radioactive material and other related matters;
- 10 (k) award in accordance with such schemes formulated with the concurrence of the Minister assigned the subject of Finance, incentives based on performance, to the scientists, engineers, technical personnel and other employees of the Board;
- 15 (l) delegate any of the duties and functions of the Board to the Chairman or any member of the Board or to the Director-General of the Board;
- (m) acquire and hold property both movable and immovable and sell, lease, mortgage, exchange or otherwise dispose of the same;
- 20 (n) open, operate and maintain bank accounts and deposit its monies in any bank and invest such of its funds as are not immediately required for the purposes of the Board, in such securities as the Board may determine;
- 25 (o) borrow such money as may become necessary for the purposes of the exercise and performance of its powers and functions;
- (p) enter into any contracts or agreements as may become necessary for the effective exercise and performance of its powers and functions;
- 30 (q) charge and receive fees for any services rendered by the Board;

(r) engage in commercial activities to achieve the objectives of the Board; and

5 (s) accept and receive in compliance with relevant government procedures, grants and donations of property both movable and immovable from sources within and outside Sri Lanka and utilize the same for the purposes of the exercise and performance of the powers and functions of the Board.

10 **6.** (1) The Board shall consist of seven members who shall be appointed by the Minister, of whom not less than three shall be from among persons who have had experience and proven capacity in the field of nuclear energy and its applications and not less than one each shall be from the fields of finance, law, health and industry. Constitution of the Board.

15 (2) The Minister shall appoint one of the members appointed under subsection (1) as the Chairman of the Board.

(3) The members of the Board shall hold office for a period of three years and unless removed from office, be eligible for re-appointment.

20 (4) The provisions of the Schedule to this Act shall apply to and in respect of the members of the Board and the conduct of its meetings.

25 **7.** (1) The Board may appoint such committees and experts as it considers necessary or expedient to assist it in the performance and discharge of its duties and functions. Appointment of committees and experts.

(2) A committee appointed under subsection (1), shall regulate the procedures for the transaction of its business and of their meetings.

(3) The members of any committee and an expert, appointed under subsection (1), shall be paid such allowances and be reimbursed for any expenses incurred in connection with the carrying out of any duties assigned, as the Board
5 may determine.

8. (a) The Minister may issue to the Board such
10 guidelines or directions as are not inconsistent with the provisions of this Act, relating to the policy to be followed in the performance and exercise of the functions and powers of the Board.

Powers of the Minister to issue guidelines and directions.

(b) The Board shall comply with any guidelines or directions issued by the Minister.

PART II

CHAPTER II

15 ESTABLISHMENT OF THE SRI LANKA ATOMIC ENERGY REGULATORY COUNCIL

9. (1) There shall be established a regulatory authority
20 to be called and known as the Sri Lanka Atomic Energy Regulatory Council (in this Act referred to as "Council"), for the regulation and control of practices involving ionizing radiation.

Establishment of the Sri Lanka Atomic Energy Regulatory Council.

(2) The Council shall by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in
25 such name.

10. The objectives of the Council shall be to-
30 (a) establish requirements for the protection of persons and the environment against risks associated with exposure to ionizing radiation and for the safety and security of sources and facilities, as appropriate;

Objectives of the Councils.

5 (b) take all appropriate steps to ensure the protection of persons and the environment from harmful effects due to any source, nuclear material and other radioactive material and ensure the security of such material and facilities; and

(c) ensure compliance with International Standards and obligations in the field of nuclear energy, which are required to be complied with by Sri Lanka.

11. The functions of the Council shall be to –

Functions of
the Council.

10 (a) issue licences required to be issued under this Act and renew, modify, suspend or revoke the same;

15 (b) formulate an inspection programme to ensure compliance with the requirements imposed under this Act and conditions specified in licences issued under this Act;

(c) take appropriate measures to ensure due compliance with the provisions of this Act, proper enforcement of regulations or rules made thereunder and conditions specified in licences issued;

20 (d) maintain a national register containing information on all sources available within Sri Lanka;

(e) provide information regarding the regulatory activities of the Council to the general public, the media and any other relevant stakeholders;

25 (f) make recommendations to the Minister on the formulation of a national policy and strategy on protection against ionizing radiation, the safety and security of sources and nuclear and other radioactive material and on radioactive waste
30 management;

- (g) formulate and review rules, codes and standards relating to radiation protection and the application of ionizing radiation, which reflects best practices enunciated by the International Atomic Energy Agency and any other similar International Organizations;
- (h) advise the Minister on any matter referred to the Council and on matters which the Council considers appropriate to give its advice on; and
- (i) perform and discharge such other duties and functions as in the opinion of the Council, are necessary in achieving the objectives of the Council.

12. (1) In addition to any powers that are expressly conferred on the Council by this Act, the Council shall for the effective discharge and performance of its functions have the power to -

Powers of the Council.

- (a) take measures for the prevention of radiological emergencies;
- (b) establish mechanisms and procedures for informing and consulting the public and other stakeholders about the regulatory process and the safety, health and environmental aspects of regulated practices, including incidents, accidents and abnormal occurrences;
- (c) co-operate with local and international organization to promote safety and security against risk of injury or damage, arising from ionizing radiation;
- (d) provide training for the staff of the Council and any other relevant person or body of persons, for the purpose of achieving its objectives;

- 5 (e) take necessary steps to fulfill the obligation of Sri Lanka under international treaties, conventions, relevant protocols and agreements to which Sri Lanka is a party, relating to safety and security of sources;
- 10 (f) make where available to any person both national and international and to the public, as determined by the Council, information relating to the utilization of sources and incidents and abnormal occurrences, which may cause an impact on human life or the environment;
- 15 (g) liaise with government agencies and non-governmental organizations or individuals having competence in areas such as health, safety, environmental protection, security, emergency, transport or import and export of nuclear and radioactive materials, including radioactive waste;
- 20 (h) inspect, review and assess practices and facilities for the purpose of verifying compliance with the provisions of this Act and any regulations or rules made thereunder and the conditions of any licences;
- 25 (i) issue directives relating to corrective measures required to be taken if unsafe or potentially unsafe conditions are detected at any location where a licensed practice is being conducted;
- 30 (j) take all steps as are necessary to give effect to obligations under the Safeguards Agreement, including the establishment and maintenance of a state system of accounting for and control of nuclear material;
- (k) implement regulatory measures for the security of nuclear or radioactive materials, related equipment and associated facilities, including measures for

physical protection, to detect, prevent and respond to unauthorized acts involving such materials, equipment or facilities;

- 5 (l) establish procedures and mechanisms to grant approval to institutes or individuals involved in issuing certification on radiation measurement and calibration of radiation measuring equipment;
- 10 (m) conduct public awareness programmes in relation to nuclear science and technology and to take any precautionary steps required to be taken upon the occurrence of any accident involving radioactive or nuclear materials;
- 15 (n) inspect any articles or commodities imported into Sri Lanka and which are available locally, and to take samples for the purpose of testing of radioactivity and where the Council deems it necessary and appropriate, to publish results of such test for the information of the general public, and all relevant authorities:
- 20 For the purpose of this paragraph “articles” and “commodities” include the container in which the articles or commodities are imported and any vessels or aircrafts carrying such containers;
- 25 (o) acquire and hold any property, both movable or immovable and to sell, lease, mortgage, exchange or otherwise dispose of the same;
- (p) collect and publish reports and papers on any subject connected with the functions of the Council;
- 30 (q) open and maintain bank accounts whether current, savings or deposit, in any bank approved by the Council; and

- (r) erect, equip and maintain buildings including laboratories, libraries, workshops and offices as are necessary for the performance of its functions.

5 **13.** In the exercise and performance of its powers and functions the Council shall be guided by the following general principles:-

General principles to be adhered to by the Council.

- (a) the safety and protection of human life, property and the environment from harmful effects of ionizing radiation;
- 10 (b) that there is sufficient justification for permitting the conduct of a practice for which a licence is applied for;
- (c) that the normal exposure of individuals are restricted, so that neither the effective dose nor the equivalent dose caused by a possible combination of exposures from licenced practices, exceeds the dose limits as determined by the Council; and
- 15 (d) that protection is optimized, so that the magnitude of individual doses, the number of individual exposures and the likelihood of incurring exposure are all kept as low as reasonably achievable, taking
- 20 into account economic and social factors.

14. (1) The Council shall consist of the following members appointed by the Minister :-

Constitution of the Council.

- 25 (a) three persons who are experts in the field of nuclear science and technology or radiation protection;
- (b) one person who has experience in legal aspects connected with or relating to the objectives of the Council; and

- (c) a senior officer not below the rank of an Additional Secretary or a Director of the Ministry of the Minister assigned the subject of Environment, nominated by such Minister.

5 (2) The Minister shall appoint one of the members of the Council as the Chairman of the Council.

(3) The Chairman and the other appointed members of the Council shall hold office for a period of three years and unless removed from office, be eligible for re-appointment.

10 (4) The provisions of Schedule to this Act shall apply to and in respect of the members of the Council and the conduct of its meetings.

15. The Council shall for the purposes of assisting the Council in the performance of its functions under this Act, Appointment of Inspectors.
 15 appoint from among its officers such number of persons as inspectors (hereinafter referred to as “Authorized Inspectors”) and shall furnish them with appropriate credentials.

16. (1) (a) The Council may request the Inspector-General of Police to provide the services of any police officer Appointment of police officers to assist Authorized Inspectors.
 20 above the rank of an Assistant Superintendent of Police, for the purpose of assisting an Authorized Inspector in the performance of his functions.

(b) It shall be the duty of the Inspector-General of Police to ensure the availability of such police officer, where a request is made by the Council.
 25

(2) (a) A police officer whose services are provided by the Inspector-General of Police on a request made under subsection (1), shall, notwithstanding anything to the contrary in any law upon a complaint made by the Council, 30
 arrest without a warrant any person who is suspected to have committed an offence under this Act.

(b) The police officer shall produce such person before the Magistrate's Court, within whose jurisdiction such offence is alleged to have been committed.

17. (1) The Council may –

Appointment of Advisory Committees.

- 5 (a) appoint such number of Advisory Committees as it may consider necessary or appropriate; and
- (b) obtain the services of any expert outside its permanent staff, as advisors or consultants,
- 10 to assist the Council in the performance and discharge of its duties and functions under this Act:

15 Provided that the appointment of any Advisory Committees or obtaining the services of any expert outside the permanent staff, shall in no way relieve the Council of the responsibilities and duties cast on the Council under this Act or any regulations or rules made thereunder.

(2) It shall be the duty of the Council to ensure that no person who has a conflict of interest or is in a position to exercise improper influence on any decision that the Council is called upon to make under this Act or any regulations or rules made thereunder, is appointed under subsection (1) as a member of an Advisory Committee or as an expert.

CHAPTER III

ISSUE OF LICENCES

25 18. (1) No person including the Board, shall conduct a practice involving ionizing radiation (in this Act referred to as a "practice") :-

Requirement to obtain a licence to conduct a practice.

- (a) except under the authority of a licence issued by the Council for the purpose; or

- (b) unless it is a practice which has been exempted from the regulatory control of the Council, in terms of the provisions of this Act.

(2) A person who conducts a practice or uses any source for the conduct of a practice without obtaining a licence for that purpose shall commit an offence and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding three million rupees or to an imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

19. (1) The Council shall have the authority by Order published in the *Gazette*, to exempt any practice or any source within a practice from its regulatory control, taking into consideration the following factors:-

- (a) the radiation risk that may be caused to any member of the public by the conduct of the practice or the source concerned, is sufficiently low as to be of no regulatory concern of the Council;
- (b) the collective radiological impact of the practice or the source within the practice concerned is sufficiently low, as not to warrant the regulatory control of the Council under the prevailing circumstances;
- (c) the practice and the source within the practice concerned are inherently safe, with no applicable likelihood of a situation that could lead to a failure to meet the factors specified in paragraphs (a) or (b) above; and
- (d) the practice is one that can be justified on the basis set out in section 22(1)(b).

Council to exempt certain practices or any source within a practice from obtaining a licence.

(2) An Order under subsection (1) shall :-

- (a) specify the level of the effective dose expected to be incurred by a member of the public in one year from the conduct of the practice;

- 5 (b) where the exemption relates to a source within a practice, specify the minimum levels of total activity of a given nuclide present on the premises at any one time and of the activity concentration in the nuclide used in the practice; or
- 10 (c) where it relates to an apparatus used in the practice, specify the levels of the ambient dose equivalent rate and the directional dose equivalent rate caused by such apparatus in normal operating conditions and the level of energy of the radiation produced by such apparatus.

15 (3) An Order made under subsection (1) may be amended from time to time in like manner and should specify the criteria stated in subsection (2).

20 **20.** (1) A person who intends to conduct a practice shall forward to the Council a notification in such form as specified by the Council by rules made in that behalf, of such intention to conduct such practice and shall submit the following information along with the notification:-

Notification to be forwarded of an intention to conduct a practice.

- (a) the purpose for which the practice is sought to be conducted;
- 25 (b) where radioactive material is involved, the purpose for which such material is to be used and the maximum radioactivity to be used by such radioactive material;
- 30 (c) where irradiating apparatus is used in the conduct of the practice, the maximum energy of ionizing radiation expected to be produced by such apparatus; and
- (d) in the case of nuclear or fissionable material, radioactivity level and the percentage of each component in the material.

(2) Upon a consideration of the information contained in a notification received under subsection (1), the Council shall determine:-

- 5 (a) whether the practice concerned is one which is exempted by the Council by an Order made under section 19; or
- 10 (b) where the practice is not one which is exempted by the Council then, considering the nature of the practice, whether prior to obtaining a licence for the conduct of the practice :-
- 15 (i) the approval of the Council is required for the plan of the building or the construction in which the practice is to be conducted, in order to ensure that adequate radiation safety measures are included in the design of the plan of the building or of the construction; and
- 20 (ii) where the import or export of any radioactive material, irradiating apparatus or equipment containing radioactive source is involved, whether the approval of the Council is required for such import or export.

(3) (a) Upon making a determination under paragraph (b) of subsection (2) regarding the necessity to obtain an approval referred to therein, the Council shall forthwith communicate such determination to the person who forwarded the notification; and

30 (b) Where it determines that an approval is necessary to be obtained under that paragraph, request the person concerned to forward such information along with an approval fee as specified in the communication, for the purpose of obtaining the Council's approval.

21. (1) Where the Council:- Application
for a licence.
- 5 (a) determines under section 20(2) that an approval is not required prior to obtaining a licence for the conduct of the intended practice in respect of which the notification was forwarded; or
- (b) having considered the information received under section 20(3), grants its approval,
- 10 the Council shall inform the person concerned to make an application for an appropriate licence prior to the commencement of the practice.
- (2) An application for a licence shall be made in the appropriate form provided for the same by the Council, along with an application processing fee as determined by the
- 15 Council.
22. (1) The Council shall issue a licence for the conduct Processing of
applications
and the issue
of licence.
of the practice in respect of which such application is made under section 21(2), on being satisfied that such applicant:-
- 20 (a) has complied with the requirements of the building plan which was approved by the Council, if any, in which the practice is to be conducted;
- (b) is in a position to justify the conduct of the practice concerned on the basis that it produces sufficient benefit to the exposed individuals or to the society, to off-set the radiation harm which such practice
- 25 may cause;
- (c) has sufficient resources and adequate number of technically qualified staff available to enable the conduct of the practice in a manner that ensures
- 30 safety and security;

- (d) has taken appropriate measures to ensure that exposures will be below the dose limits prescribed under this Act;
- 5 (e) has taken adequate steps to ensure that protection has been optimized so as to provide highest level of safety that can reasonably be achieved;
- (f) has clear understanding of the fundamental principles relating to radiation protection;
- 10 (g) has adequate financial resources and technically qualified staff available, to meet responsibilities involved in the event of a decommissioning of the practice concerned;
- (h) has assessed the nature, magnitude and likelihood of the risk that may be caused due to the conduct of the practice;
- 15 (i) has taken all necessary steps required to be taken for the protection and safety of workers, the public, the environment and for the security of the radioactive sources;
- 20 (j) has furnished to the Council all information including relevant technical information from its suppliers or manufacturers which are required in order to enable compliance with the provisions of this Act and any regulations or rules made thereunder; and
- 25 (k) has prepared and made available an Emergency Preparedness and Response Plan.

(2) Where in terms of the criteria set out in subsection (1), the Council:-

- 5 (a) is satisfied that the applicant is eligible to be granted a licence to conduct the practice, a licence shall be issued in the prescribed form, for that purpose; or
- (b) is of the view that the applicant is not eligible to be granted a licence, refuse to grant the licence requested for and inform the applicant of such refusal and the reasons for the refusal.
- 10

23. (1) A licence issued under section 22 shall be :- Conditions of the licence.

- (a) subject to such conditions and requirements as specified in the licence;
- 15 (b) subject to the payment of a licence fee as determined by the Council;
- (c) valid for such period as determined by the Council in accordance with such rules made in that behalf, and specified in the licence; and
- (d) not transferable.

20 (2) The Council shall maintain a register containing a record of the licences issued and the basis on which such licences have been issued, details of conditions and requirements imposed on each licence and where a licence is refused, the reasons for such refusal.

25 **24.** It shall be the primary duty of the licensee to establish and implement the technical and organizational measures required for the protection of human life and the environment against harmful effects of ionizing radiation and to ensure the safety and security of radioactive sources authorized to be used under the licence. Primary duty of the licensee.

30

25. Every licensee shall report to the Council :-
- (a) of any case of over exposure to radiation, not less than twenty four hours after such exposure has taken place; and
- 5 (b) of any loss, theft, radiological emergency or diversion for unauthorized purposes of any sources or material within twenty four hours after coming to know of such event,
- and thereafter comply with any directions relating to
- 10 emergency measures that may be issued by the Council in respect of the same.
26. Every licensee who is issued with a licence for the conduct of a practice involving the transport of radioactive material shall comply with such requirements, including
- 15 requirements pertaining to specifications for the containers or packages used for the purpose of transport of such radioactive material and radioactive sources, as may be specified by the Council by rules made in that behalf.
27. (1) A licensee is prohibited from continuing with
- 20 the conduct of the practice for which the licence was issued without applying to the Council in writing for the modification of such licence, on the happening of any one or more of the following circumstances:-
- (a) where any source different to that which was
- 25 authorized by the licence, is sought to be used;
- (b) where a higher activity of radioactive material than which is authorized by the licence, is sought to be used;
- (c) where a modification is sought to be carried out in
- 30 the physical infrastructure used for the conduct of the practice concerned; or
- Reporting of over exposure and theft, etc.
- Compliance with requirements established for transport of radioactive material.
- Modification of a licence.

(d) where new employees are sought to be employed in the conduct of the practice for which the licence was issued.

5 (2) The Council shall having considered the circumstances, due to which a modification of the licence is being applied for, decide upon the modifications that could be permitted and modify the licence issued accordingly.

10 **28.** (1) A licensee who wishes to have its licence renewed shall be required to make an application for the same, not less than three months prior to the date of the expiry of the licence issued. Renewal of a licence.

15 (2) Where a licensee fails to make an application within the time period specified under subsection (1), the Council shall direct such licensee to make an application forthwith unless such licensee does not intend to renew its licence, and may issue an interim licence pending the renewal of the licence.

20 (3) An application for the renewal of a licence shall be made in such form as provided for the same by the Council along with a renewal fee, and the provisions of section 22 of this Act shall, *mutatis mutandis* apply to and in respect of the processing of such application.

25 (4) Where a licence is renewed, the Council may where it considers it appropriate, impose further conditions or requirements in addition to those that the licence was subject to, when it was issued initially.

30 **29.** (1) Where a licensee does not intend to renew its licence, it shall be the duty of such licensee to inform the Council of such fact not less than three months prior to the date of the expiry of the licence, and a failure to so inform shall be an offence under this Act, and the person on conviction shall be liable to a fine not exceeding ten thousand rupees. Council to be informed where a licence is not renewed.

(2) The provisions of subsections (3), (4) and (5) of section 33 of this Act, shall *mutatis mutandis* apply to and in respect of a practice the licence for the conduct of which is not renewed under subsection (1).

5 **30.** (1) Where a licensee fails to apply for the renewal of its licence three months prior to the date of its expiry, the licensee shall be subject to the payment of a surcharge for each day at such rate as shall be determined by the Council by rules made in that behalf, until the date of the expiry of
10 the licence, in addition to the renewal fee required to be paid when renewing the licence.

Effect of a failure to renew a licence.

(2) Where a licensee fails to apply for a renewal of the licence prior to the date of its expiry, the Council shall have the power immediately upon the expiry of such licence:-

- 15 (a) to cause the premises in which the practice is being conducted to be sealed, and within seven days of such sealing, to make an application to the Magistrate's Court to obtain an order confirming the sealing of the premises; and
- 20 (b) to issue such directions as it may consider appropriate pertaining to the manner in which the safety and security of the radioactive source shall be ensured and for the protection of human life and the environment, which the licensee shall be
25 required to strictly adhere to.

(3) The provisions of subsections (3) and (4) of section 33 of this Act, shall *mutatis mutandis* apply to and in respect of a licensee to whom any directions are issued under paragraph (b) of subsection (2).

30 **31.** A licence issued by the Council may at any time by a notification sent to the licensee in that behalf, be cancelled where :-

Grounds for the cancellation of a licence.

- (a) the licensee has acted in violation of any condition of the licence or in contravention of any provision

of this Act or any regulation or rule made thereunder, which pose an unacceptable threat or risk to public health or a danger to the environment;

- 5 (b) the licensee has failed without reason, to comply with any directives issued by the Council under section 39;
- (c) the licensee has ceased to conduct or operate the practice for which the licence was issued;
- 10 (d) due to any prevailing circumstances the Council determines that the continued conduct of the practice for which the licence was issued, would pose an unacceptable threat or risk to public health or a danger to the environment; or
- 15 (e) the receiving environment has altered or changed due to certain natural and other causes which renders the continued conduct of the practice a risk to public health or a danger to the environment.

20 **32.** Any person who continues to conduct a practice after the cancellation under section 31 of the licence shall commit an offence and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding three million rupees or to an imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

Conducting a practice after the cancellation of a licence to be an offence.

25 **33.** (1) Where a licence is cancelled by the Council, it may cause seals to be affixed at such required places or to any source, to prevent the continuance of the conduct of the practice.

Causing seals to be affixed to any source, in the event of a cancellation.

30 (2) The Council shall within seven days of a sealing carried out under subsection (1), make an application to the Magistrate's Court, and obtain an order confirming the sealing that was carried out.

(3) The Council may at the time of the cancellation of a licence or at any time thereafter, issue such directions to the licensee as to the manner in which the safety and security of the radioactive sources may be ensured and for the protection
5 of human life and the environment, and the licensee shall comply with any directions so issued.

(4) The Council shall release a licensee to whom any directions are issued under subsection (3) of all regulatory obligations imposed under this Act, when the Council is
10 satisfied that the direction issued have been satisfactorily complied with and the radioactive material or sources used in the conduct of the practice concerned has ceased to pose a threat to human life and to the environment.

(5) The failure to comply with any directions issued under
15 subsection (3) shall be an offence under this Act, and be liable on conviction after summary trial before the Magistrate, to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

20 **34.** (1) A licence may be suspended:-

Suspension
of a licence.

(a) where the licensee has acted in violation of
any condition of the licence or in
contravention of any provision of this Act or
any regulation or rule made thereunder and
25 such violation or contravention does not
however pose an unacceptable threat or risk
to public health or a danger to the
environment;

(b) where any danger or risk caused or likely to
30 be caused to public health or the environment
can be mitigated or remedied through the
adoption of corrective measures; or

(c) where the licensee has failed without reason, to comply with any directives issued by the Council under section 39.

5 (2) Where a decision is taken to suspend a licence, the Council shall in a notification sent to the licensee, specify the period for which the licence is being suspended and the corrective measures that are required to be taken for the suspension to be removed.

10 (3) (a) The licensee shall carry out the corrective measures or steps specified in the notification prior to the expiry of the period of suspension.

15 (b) Where the licensee is unable to complete the measures or steps specified before the expiry of the period of suspension, the licensee may request in writing for further time to carry out the same, and the Council may grant further time where it considers it appropriate in the circumstances.

20 (4) Where the Council is satisfied that the measures or steps required have been carried out by the licensee satisfactorily, the Council shall remove the suspension imposed.

25 (5) A person who continues to conduct a practice after the receipt of a notification issued by the Council under subsection (1) and prior to the removal of suspension under subsection (4), shall commit an offence and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding three million rupees or to an imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

30 **35.** (1) A person aggrieved by the refusal to issue a licence or by the suspension or cancellation of a licence issued or the refusal to renew a licence, may appeal to the

Appeal against a suspension or a cancellation of a licence.

Secretary to the Ministry of the Minister (hereinafter referred to as the “Secretary”) against the decision of the Council, within one month of the date on which the decision was communicated to such person.

- 5 (2) An appeal made against a suspension or a cancellation of a licence, shall not in any way have the effect of setting aside such suspension or the cancellation, and the person concerned shall not conduct the practice which has been suspended or cancelled, until a determination on such appeal
10 is made by the Secretary under section 37.

36. (1) The Secretary shall within one month of the receipt of any appeal appoint an Appeals Committee to hear and inquire into such appeal, consisting of the following members :-

Appointment of an Appeals Committee to hear an appeal.

- 15 (a) one person who possess postgraduate qualification in nuclear technology, who shall be the Chairman of the Appeals Committee;
- (b) one person having experience in the field of radiation protection; and
- 20 (c) one person with legal qualifications.

(2) A person shall not be qualified to be appointed a member of an Appeals Committee, if such person is :-

- (a) the holder of a licence issued by the Council; or
- 25 (b) has any direct or indirect pecuniary or other interest in the subject matter of the appeal to be inquired into by the Appeals Committee.

- (3) In the event a member finds that he has any direct or indirect interest in the subject matter of the appeal after being appointed as a member of the Appeals Committee, it
30 shall be the duty of such member to immediately inform the Secretary of such fact and the Secretary shall forthwith appoint another person to replace the member concerned.

(4) (a) The Appeals Committee shall grant the parties to the appeal an opportunity of being heard and shall be required within two months of the date of the commencement of the hearing of the appeal, to conclude its hearing and to submit
5 a report to the Secretary containing its findings and recommendations on the appeal.

(b) In the event that the Committee is unable to complete its hearing within the time specified, it may request the Secretary in writing for an extension of time and the Secretary
10 may grant an extension not exceeding one month.

(5) The members of the Appeals Committee shall be paid such allowance as may be determined by the Minister in charge of the subject of Finance.

37. (1) The Secretary shall within two weeks of the
15 receipt of the report of the Appeals Committee and having considered the recommendations made in the report, make a determination either allowing or disallowing, the appeal concerned and direct the Council to give effect to the decision so made. Secretary's determination on an appeal.

20 (2) The Secretary shall communicate forthwith to all the parties to the appeal, the determination made on the appeal.

38. (1) Where a person to whom a licence is issued under this Chapter:- Termination of a licence.

25 (a) dies or where the person concerned is a company or a partnership, the company or the partnership, becomes bankrupt;

(b) is adjudged insolvent; or

30 (c) wishes to discontinue the conduct of the practice in respect of which the licence was issued, prior to its expiry,

the licence so issued shall be deemed to have terminated.

(2) Where a licence is deemed to have terminated on the occurrence of any event specified in subsection (1), it shall be the duty of the licensee or the next of kin of a licensee who dies or the partners or the directors of the partnership or the company, to inform the Council forthwith of such event and thereafter to take all such action as may become necessary to comply with any directions that may be issued by the Council, relating to the management of the radioactive material or sources connected with the practice conducted under the licence.

(3) The Council shall release a licensee referred to in this section of all regulatory obligations imposed under this Act, when the Council is satisfied that radioactive material or sources used in the conduct of the practice concerned, cease to pose a threat to human life or to the environment.

39. The Council may issue directives to any licensee regarding measures that should be taken to prevent or abate any damage or detriment being caused to human life and the environment or to prevent loss of control of safety and security of sources. The licensee shall comply with any directives so issued.

Council to issue directives.

40. (1) An Authorized Inspector who is generally or specially authorized in that behalf, may require a licensee or any employee of the licensee, to :-

Powers and duties of Authorized Inspectors.

- (a) make available information or any records on the types and quantities of sources or radioactive material utilized in the conduct of the practice;
- (b) give details of the manner in which and the locations at which, radioactive or nuclear materials are stored; or
- (c) provide any other information as he or she may consider necessary, for the due performance of his or her duties under this Act.

(2) An Authorized Inspector may at any reasonable hour of the day, either announced or unannounced, enter upon any premises, building, vessel, vehicle or aircraft :-

- 5 (a) where he or she has reasonable grounds to believe that a practice is being conducted or any radioactive or nuclear material is being stored or transported or carried, without obtaining a licence as required by this Act; or
- 10 (b) for the purpose of carrying out an inspection, investigation or examination or for obtaining any samples,

and the persons present in such premises, building, vessel, vehicle or aircraft, shall render all necessary assistance to the Authorized Inspector in discharging his duties.

15 (3) A licensee and every employee or agent of such licensee shall provide all assistance that may be requested for by an Authorized Inspector, to enter and inspect, examine and to take samples or carry out any activity in the course of the performance of his functions under this Act.

20 (4) Any person who willfully obstruct an Authorized Inspector or refuses to comply with any request made by such Inspector in the performance of a duty lawfully entrusted to such person, shall commit an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding three hundred thousand rupees or to a term of imprisonment for a period not exceeding two years or to both such fine and imprisonment.

(5) The Council shall maintain a record of all inspections carried out by an Authorized Inspectors under this section.

30 **41.** (1) Where an Authorized Inspector has reasonable grounds to believe that a practice for which a licence has been issued, is being carried out in a manner which poses an immediate risk of injury to persons or substantial damage to property or the environment, such Inspector may cause the premises where such practice is being conducted to be sealed.

Power to direct the removal of sources.

(2) In the event of the sealing of any premises under this section, the Authorized Inspector shall forthwith inform the Council of such fact.

5 (3) The Council shall within seven days of a sealing carried out under subsection (1), make an application to the Magistrate's Court, and obtain an order confirming the sealing that was carried out.

10 (4) Where an Authorized Inspector has reasonable grounds to believe that any source is insecure and the security of such source may be affected by external influence, he may direct the licensee to remove such sources to a more secure location, as shall be proposed by the Council.

CHAPTER IV

SAFETY AND SECURITY OF SOURCES

15 **42.** (1) The Council shall based on internationally recognized guidelines, adopt a system of categorization of radioactive sources depending on the potential injury that could be caused to people and to the environment, if such sources are not safely managed or securely protected. Categorization of radioactive sources.

20 (2) A Notification of any categorizations carried out under subsection (1), shall be published in the *Gazette*.

25 **43.** The Council shall take all necessary measures to protect the information contained in the national register on sources maintained under section 11(d), in order to ensure the safety and security of such sources. Protection of information contained in the national register on sources.

30 **44.** The Council shall prescribe the requirements to be complied with by licensees for the physical protection of the different categories of radioactive sources and the measures necessary for the safety and security of such categories of radioactive sources. Physical protection of categories of radioactive sources.

35 **45.** (1) Every licensee shall inform the Council immediately of the loss of control over its radioactive sources or the occurrence of any other incident in connection with its radioactive source, that may pose a significant risk of injury to persons or substantial damage to property or to the environment. Duty of licensee to inform the Council of any loss of a radioactive source.

(2) A licensee who fails to comply with the duty imposed by subsection (1) shall commit an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding three hundred thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

46. The Council shall coordinate with national security authorities and any other relevant organizations, to develop a national strategy for promptly gaining or regaining control over orphan radioactive sources.

National strategy on orphan sources.

47. (1) Irradiating apparatus shall not be imported into or exported from Sri Lanka by any person, except with the written approval of the Council.

Import and export of irradiating apparatus.

(2) The grant of an approval under subsection (1) for the export or import of any irradiating apparatus, shall not be considered as exempting the person concerned from having to obtain an appropriate licence, where such irradiating apparatus is to be used, supplied or sold for the purpose of conducting a practice, for which a licence is required to be obtained under this Act.

48. (1) Notwithstanding anything contained in any other law, no person or authority vested with the power to issue a licence or any other form of approval for the export or import of any radioactive source, or any devices containing any such source, to or from Sri Lanka or for the transit of any such source through Sri Lanka, shall issue such licence or approval, without obtaining the prior written approval of the Council for the same.

Import or export of radioactive sources.

(2) (a) The Council shall, based on internationally recognized guidelines specify by rules made in that behalf, the requirements and procedures to be adopted by the Council for the grant of an approval under subsection (1).

(b) The rules shall provide for the evaluation of information in order to assess the capacity and ability of the person requesting for the approval to ensure the safety and security of the radioactive source or other device containing the source, concerned.

(3) Before granting its approval for the issue of a licence or any other form of approval for the export of radioactive sources categorized in terms of section 42(1), the Council shall satisfy itself insofar as practicable, that the importing country has the appropriate technical and administrative capability, resources and regulatory structure, to ensure the safe and secure management of the source concerned.

CHAPTER V

EXPORT AND IMPORT CONTROL OF NUCLEAR AND OTHER RADIOACTIVE MATERIAL

49. (1) The Council shall in compliance with international obligations and commitments of Sri Lanka including those under the Safeguards Agreement, prepare a list of nuclear material, equipment and technologies (hereinafter referred to as the “controlled items”) the import into and export from Sri Lanka, which shall be subject to control under this Act.

(2) The Council shall give adequate publicity to the list so prepared, in such manner as shall be determined by the Council.

(3) The list shall be published in the *Gazette*.

50. (1) Notwithstanding anything contained in any other law, no approval, authority or permission shall be granted for the export from or import into Sri Lanka of any controlled item, without the prior written approval of the Council.

(2) (a) An approval for the purpose of subsection (1) shall be obtained on application made to the Council for the same, in such form and on the payment of such fee, as determined by the Council.

(b) An approval granted shall be subject to such conditions based on requirements and obligations of Sri Lanka under the Safeguards Agreement, as may be specified.

Controlled items.

Prohibition on export or import of controlled items without approval of the Council.

5 (3) The grant of an approval under subsection (1) for the export or import of any controlled items, shall not be considered as exempting the person concerned from having to obtain an appropriate licence, where such controlled item is to be used, possessed, transported, supplied or sold for the purpose of conducting a practice, for which a licence is required to be obtained under this Act.

10 (4) Any person who imports into or exports from Sri Lanka any controlled item in contravention of the provisions of subsection (1) shall commit an offence and on conviction after summary trial before a Magistrate, be liable, in addition to any other penalty that may be imposed for committing an offence under any other law, to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not
15 exceeding two years or to both such fine and imprisonment.

20 (5) Where any controlled item is seized by a customs officer under any provision of the Customs Ordinance, notwithstanding anything to the contrary contained in that Ordinance, such customs officer shall be required to inform the Council of such facts forthwith and the Council shall have the power to take control of the controlled item so seized and keep the same in any premises which is under the control of the Council, to ensure its safety and security.

25 **51.** The Council may make such rules as it may deem appropriate, that shall guide the Council in granting approval for the export and import of any controlled item.

Council to make rules for granting approval for the export and import of controlled items.

30 **52.** (1) Where any material containing Uranium or Thorium which has not reached the stage of the nuclear fuel cycle set out in the Safeguards Agreement, is directly or indirectly exported from Sri Lanka to a Non-Nuclear Weapon State, the Council shall inform the International Atomic Energy Agency of its quantity, composition and destination, unless such radioactive material is exported for any non-nuclear purpose.

Council's duty in regard to import and export of nuclear materials.

35 (2) Where any material containing Uranium or Thorium which has not reached the stage of the nuclear fuel cycle set out in the Safeguards Agreement, is imported into Sri Lanka,

the Council shall inform the International Atomic Energy of its quantity and composition, unless such material is imported for non-unclear purposes.

- 5 **53.** (1) Where any nuclear material to which the Safeguards Agreement applies, is transferred internationally, the responsibility for such material shall be regarded as being the responsibility of the Council :-
- 10 (a) in the case of any import, from the time such responsibility ceases to lie with the exporting State, and no later than the time at which the nuclear material reaches Sri Lanka; and
- 15 (b) in the case of any export, up to the time at which the recipient State assumes such responsibility and no later than the time at which the nuclear material reaches its destination.

Transfer of responsibility in international transfers of nuclear materials under Safeguards Agreement.

- 20 (2) The Council shall not be deemed to have any responsibility for nuclear material merely by reason of the fact that such material is in transit on or over its territory or its territorial waters or that such material is being transported under its flag or in any of its aircrafts.

- 25 (3) For the purpose of subsection (1), the point at which the responsibility of the Council shall cease in regard to the import into or the export from Sri Lanka of any nuclear material, shall be as determined by the Council, in compliance with the Safeguards Agreement.

CHAPTER VI

RADIOACTIVE WASTE

- 30 **54.** The Minister shall formulate a National Policy on Radioactive Waste Management based on international norms.

National policy and strategy.

- 55.** (1) The primary responsibility for ensuring the safety and security of radioactive waste throughout its life, shall rest with the holder of the relevant licence.

Safety and security of radioactive waste.

(2) A licensee who fails to fulfill the responsibility imposed by subsection (1), shall commit an offence and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred thousand rupees or to
5 imprisonment for a term not exceeding three years or to both such fine and imprisonment.

56. (1) Radioactive waste generated outside the Republic of Sri Lanka shall not be imported into the country, unless a determination has been made by the Minister in
10 consultation with the Council, that the import would be in the national interest and prior written approval for the same has been granted by the Council.

Import of
radioactive
wast.

(2) Any person who acts in contravention of the provisions of subsection (1) shall commit an offence and be
15 liable on conviction after summary trial before a Magistrate, to a fine not exceeding one million rupees or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

57. (1) No person shall export radioactive waste
20 generated within the Republic of Sri Lanka, without the prior written approval of the Council and the consent of the importing country.

Export of
radioactive
wast.

(2) The Council shall not grant approval for the export of radioactive waste to a destination South of latitude 60 degree,
25 for storage or disposal purposes.

(3) Any person who acts in contravention of the provisions of subsection (1) shall commit an offence under this Act and be liable on conviction after summary trial before a Magistrate, to a fine not exceeding one million
30 rupees or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

CHAPTER VII

NATIONAL NUCLEAR EMERGENCY PLAN

58. (1) The Council shall, in accordance with the provisions of the Sri Lanka Disaster Management Act, No. 13 of 2005, develop a National Nuclear or Radiological Emergency Management Plan (hereinafter referred to as the “Emergency Management Plan”) for responding to potential nuclear or radiological emergencies at national level. National Plan for nuclear or radiological emergencies.
- (2) The provisions of the Sri Lanka Disaster Management Act, No. 13 of 2005 shall apply in regard to the adoption of the Emergency Management Plan.
- (3) The Council shall assist and advice the Disaster Management Centre established under section 8 of the Sri Lanka Disaster Management Act, No. 13 of 2005, in the implementation of the Emergency Management Plan, during any intervention carried out by such Centre, in the event of any nuclear or radiological emergency.
59. (1) In the event a nuclear or radiological emergency occurs within Sri Lanka which poses a risk that radioactive contamination could spread beyond the boundaries of the Republic of Sri Lanka, the Council shall immediately notify such emergency to the International Atomic Energy Agency and to any relevant authorities of any State which may be physically affected by such contamination. Trans boundary emergencies.
- (2) The Council shall serve as the point of contact for providing any information or assistance regarding nuclear or radiological emergencies in terms of any relevant international instruments, including the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

CHAPTER VIII

SAFEGUARDS

5 **60.** The Council shall ensure that Sri Lanka's obligations assumed under the Safeguards Agreement, are complied with and that all necessary assistance is provided to ensure due compliance of such agreement.

Council to ensure due compliance of Safeguards Agreement.

10 **61.** All nuclear activities in Sri Lanka shall be carried out exclusively for peaceful purposes and in compliance with the relevant international obligations of Sri Lanka relating to the same.

Nuclear activities to be exclusively for peaceful purposes.

15 **62.** (1) Nuclear weapons and other nuclear explosive devices, the direct or indirect control over such weapons or devices, the manufacture or acquisition of such weapons or devices and participating in, seeking, giving or receiving any assistance in their manufacture, is prohibited in Sri Lanka.

Prohibition on nuclear weapons and other explosive devices.

(2) No person shall :-

20 (a) carry out research in, develop, acquire, manufacture, possess, store, transport, transfer or use, nuclear weapons;

(b) carry out research in, develop, acquire, manufacture, possess, store, transport, transfer or use, nuclear material for the purpose of making nuclear weapons;

25 (c) participate in, assist in or finance any of the activities specified in paragraph (a) or (b) above.

30 (3) Any person who acts in contravention of subsection (1) or subsection (2) shall commit an offence and on conviction by the High Court, be liable to imprisonment for a term not exceeding twenty years.

CHAPTER IX

PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND OTHER
RADIOACTIVE MATERIAL

- 5 **63.** (1) The Council shall establish requirements for the physical protection of nuclear material and other radioactive material, including :-
- 10 (a) a categorization of nuclear material and radioactive material based on an assessment of the 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 and other radioactive material are produced, processed, used, handled, stored or disposed of;
- 15 (b) protection and security measures necessary for different categories of nuclear material and other radioactive material; and
- (c) accounting and control measures for nuclear material and other radioactive material.
- 20 (2) The requirements established under subsection (1) shall be published in the *Gazette*.
- 64.** (1) Where there has been a theft, a robbery or an attempt of a theft or robbery or a loss of nuclear material or other radioactive material belonging to a licensee, such the licensee shall –
- 25 (a) notify the Council forthwith of the incident and the circumstance thereof;
- (b) provide a written report to the Council, including particulars of nuclear material or other radioactive material stolen or lost, as soon as practicable after giving the notice;
- 30

Requirements for physical protection of nuclear material and other radioactive material.

Physical protection, responsibilities of the licensee.

(c) provide any additional information as may be required by the Council; and

(d) take all necessary measures to ensure safety and confidentiality of sensitive information.

5 (2) A licensee who fails to comply with the requirements imposed by subsection (1), shall commit an offence and on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred thousand rupees or to be liable to imprisonment for a term not exceeding two years
10 or to both such fine and imprisonment.

15 **65.** (1) Where a theft, a robbery or an attempt of a theft or robbery or loss of any nuclear material or other radioactive material has taken place within the Republic of Sri Lanka, the Council shall as soon as possible inform other States or international organizations, that may be affected as a result of such incident.

International cooperation and assistance.

20 (2) In the event of a theft or a robbery or loss of any nuclear material or other radioactive material, the Council shall in coordination with other relevant departments and agencies, take all appropriate steps necessary for the recovery of the same.

25 (3) The Council shall provide information on incidents involving the theft, robbery or the attempt of a theft or robbery or loss of any nuclear material or other radioactive material, to the International Atomic Energy Agency under such arrangements that are established by that Agency.

66. (1) Whoever who:-

30 (a) commits, aids and abets or attempts to commit a theft or robbery of any nuclear material or other radioactive material or a device containing nuclear material or other radioactive material;or

Unlawful handling of radioactive material or nuclear material or a device containing radioactive material or nuclear material to be an offence.

- (b) misappropriates, aids and abets or attempts to misappropriate any nuclear material or other radioactive material or a device containing nuclear material or other radioactive material; or
- 5 (c) does, aids and abets or attempts to do any act which constitutes the carrying, sending or moving of nuclear material or other radioactive material into or out of Sri Lanka without lawful authority,

shall commit an offence and be liable on conviction after
10 summary trial before a Magistrate to a fine not exceeding three million rupees or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(2) Whoever receives, possesses, transfers, transports, alters, uses or disposes of nuclear material or other radioactive
15 material or possesses a device containing any such material, as the case may be with the intent of causing death or serious bodily injury to any person or causing substantial damage to property or to the environment, shall commit an offence and be liable on conviction by the High Court, be liable to
20 a fine not exceeding ten million rupees or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

(3) Whoever without lawful authority receives, possesses, transfers, transports, alters, uses or disposes of nuclear material
25 or other radioactive material or possesses a device containing any such material, as the case may be which causes or is likely to cause death or serious injury to any person or causes or likely to cause substantial damage to property or the environment, shall commit an offence and on conviction by
30 the High Court be liable to a fine not exceeding ten million rupees or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

(4) Whoever commits or attempts to commit an offence referred to in subsections (1), (2) or (3) or does so in order to compel any person, an international organization or a State, either to do or to refrain from doing any act which could result in posing a threat to the defence or national security of the country or cause any detriment to public health or environment, shall commit an offence and shall on conviction by the High Court, be liable to a fine not exceeding ten million rupees or to imprisonment for a term not exceeding twenty years, depending on the gravity of the nature of the offence committed.

(5) Whoever demands any radioactive material or nuclear material or a device containing radioactive material or nuclear material, by threat or by use of force or by any other form of intimidation, shall commit an offence and on conviction by the High Court be liable to a fine not exceeding one million rupees or to imprisonment of a term not exceeding two years or to both such fine and imprisonment.

20 **67.** Whoever without lawful authority uses or disperses in any manner any radioactive material or nuclear material or uses a device containing radioactive material or nuclear material :-

25 (a) which causes or is likely to cause death or serious bodily injury to any person or substantial damage to property or to the environment;

30 (b) in order to compel any person, an international organization or a State to do or refrain from doing any act which could pose a threat to the defence or national security of the country or cause any detriment to public health or environment; or

Unlawful use of radioactive material or nuclear material or devices containing such material to be an offence.

(c) threatens to commit an act referred to in paragraph (a) or (b),

shall commit an offence and on conviction by the High Court be liable to imprisonment for a term not exceeding twenty
5 years.

68. (1) Whoever uses or damages an irradiation installation, interferes with its operation or commits any other act directed against an irradiation installation, in a manner which causes the release or risk of a release of
10 radioactive material, with the intent or knowing that such act will cause death or serious bodily harm to any person or substantial damage to property or to the environment, shall commit an offence and shall on conviction by the High Court be liable to imprisonment for a term not exceeding twenty
15 years.

Using or damaging an irradiation installation which cause a risk of release of radioactive material.

(2) Whoever threatens to commit any act referred to in subsection (1) shall commit an offence and be liable on conviction to the same punishment as specified in subsection (1).

20

CHAPTER X

MINING AND PROCESSING

69. (1) The Council shall by rules made in that behalf, establish requirements for the protection of workers, the public and the environment, that are required to be complied
25 with by all persons who are conducting activities related to mining or processing operations which generate radioactive material.

Protection to be provided in activities relating to mining and processing operations.

(2) A person who is required to comply with any requirements established under subsection (1) and who fails
30 to comply with the same, shall commit an offence and shall be liable on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART III

CHAPTER XI

STAFF OF THE BOARD AND OF THE COUNCIL

5 **70.** For the purposes of this Part (Chapters XI, XII, XIII) of this Act, the expression “relevant authority” means the Board or the Council, as the case may be.

Meaning of the expression “relevant authority” used in this Part.

71. (1) The Minister shall, in consultation with the relevant authority, appoint a person who possesses academic qualifications and has wide experience:-

Appointment of Director-General.

10 (a) in the field of Nuclear Science and Technology, to be the Director-General of the Board; and

(b) in the field of atomic energy regulatory matters, radiation safety and security, administration or law, to be the Director-General of the Council,

15 (in this Chapter referred to as the “Director-General”) subject to such terms and conditions as may be determined in the like manner.

(2) The Director-General who shall be the Chief Executive Officer of the relevant authority concerned shall subject to 20 the general directions of such authority be responsible for :-

(a) the administration of the affairs of the relevant authority, its organization and the exercise and performance of its powers and functions; and

25 (b) exercise general control over the officers and employees of the relevant authority concerned.

(3) The Director-General shall be appointed for such period as shall be determined by the Minister which shall not exceed five years from the date of his appointment, and unless

removed from office may be re-appointed by the Minister in consultation with the relevant authority concerned, taking into consideration his performance as the Director-General during the tenure of such office.

5 (4) In the event an officer of the relevant authority is appointed as its Director-General, such officer shall be released from the post such officer was holding at the time of being appointed as the Director-General, for the period during which he will hold office as the Director-General.

10 (5) (a) The Director-General may with the written approval of the relevant authority, delegate in writing to any officer of the relevant authority, such of his powers and functions as he may, consider necessary.

15 (b) The officer to whom any such power or function is delegated shall exercise or perform the same subject to the directions of the Director-General.

(6) The Director-General shall attend meetings of the relevant authority concerned but shall not have a right to cast a vote at any such meeting.

20 **72.** (1) The Minister may, on the recommendation of the relevant authority made after holding an appropriate inquiry, remove the Director-General from his office : Removal of the Director-General.

(a) if he becomes permanently incapable of performing the duties and functions of his office;

25 (b) if he has done any act which is manifestly opposed to the objectives of the relevant authority concerned or has acted in a manner which is detrimental to the interests of such authority;

30 (c) has failed to comply with any directions issued by the relevant authority.

(2) Where a Director-General is removed from office under subsection (1), such officer shall not as of right be entitled to

revert to the post such officer was holding at the time of being appointed as Director-General.

5 **73.** (1) The relevant authority may appoint such officers and servants to the staff of the relevant authority, as it considers expedient, subject to such terms and conditions of service as may be determined by the relevant authority, including disciplinary control over such officers and servants. Appointment of the staff of the relevant authority.

10 (2) The officers and servants appointed under subsection (1) shall be paid such remunerations and other benefits as shall be determined by the relevant authority, in consultation with the Minister and with the concurrence of the Minister assigned the subject of Finance.

15 (3) The relevant authority shall establish and regulate provident funds or schemes, for the benefit of its officers and employees and make contributions to such funds or schemes.

20 **74.** (1) At the request of the relevant authority, any officer in the public service may, with the consent of such officer and the Public Service Commission, be temporarily appointed to the staff of the relevant authority for such period as may be determined by the relevant authority, or with like consent be appointed permanently to such staff. Appointment of public officers to the staff of the relevant authority.

25 (2) Where any officer in the public service is temporarily appointed to the staff of the relevant authority, the provision of section 14(2) of the National Transport Commission Act, No.37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

30 (3) Where any officer in the public service is permanently appointed to the staff of the relevant authority, the provision of section 14(3) of the National Transport Commission Act, No.37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(4) Where the relevant authority, employs a person who has entered into a contract with the Government for a

specified period, any period of service to the relevant authority shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

CHAPTER XII

5 FINANCES OF THE RELEVANT AUTHORITY

75. (1) The relevant authority shall have its own Fund, Fund of the relevant authority. to which shall be credited –

10 (a) all such sums of money as may be voted upon by Parliament from time to time for the use of the relevant authority concerned;

(b) all such sums of money as may be received by the relevant authority in the exercise, discharge and performance of their powers, functions and duties under this Act;

15 (c) subject to the provisions of subsection (2), all such sums of money as may be received by the relevant authority by way of loans, donations, gifts, bequests or grants from any source whatsoever, whether within or outside Sri Lanka:

20 Provided that, the relevant authority shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made; and

25 (d) all such sums of money as may be received by the relevant authority by way of fees or charges made under this Act.

30 (2) A relevant authority shall not receive by way of a loan, donation, gift, bequest or grant, any sum of money from a licensee or any other person or a body of persons, which can compromise the independence of such relevant authority or

interfere with the discharge of any regulatory function or the performance of any duty under this Act.

(3) There shall be paid out of the Fund of the relevant authority, all such sums of money as are required to defray
5 the expenditure incurred by the relevant authority in the exercise, discharge and performance of the powers, and functions of the relevant authority under this Act.

76. (1) A relevant authority shall cause proper books of
accounts to be kept of its assets and liabilities, income and
10 expenditure and all other transactions of such relevant
authority. Audit of accounts of a relevant authority.

(2) The financial year of a relevant authority shall be the calendar year.

(3) The provisions of Article 154 of the Constitution shall
15 apply to and in regard to the audit of accounts of a relevant authority.

(4) The provisions of Part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis* apply to and respect of the financial control and accounts of a relevant authority.

20 CHAPTER XIII

MISCELLANEOUS

77. (1) A member of the relevant authority who is directly
or indirectly interested in any contract made or proposed to
be made by such relevant authority, is required as soon as
25 possible after such fact comes to his knowledge, to disclose
the nature of the interest at a meeting of the relevant authority. Disclosure of interest in any contract made or proposed to be made by the relevant authority.

(2) Any disclosure made by a member of the relevant authority under subsection (1), shall be recorded in the

minutes of the meeting of such relevant authority, and the member concerned shall:-

- 5 (a) not take part in any deliberation or decision of the relevant authority with respect to the contract to which such disclosure relates; and
- (b) be disregarded for the purpose of constituting a quorum for a meeting of the relevant authority, where such deliberation or decision is to be taken.

10 **78.** Where any land is required for any purpose of the relevant authority, such purpose shall for the purpose of the Land Acquisition Act (Chapter 460), be deemed to be a public purpose and the land may accordingly be acquired under that Act by the Government for the relevant authority, and the provisions of that Act shall apply to and in respect of
15 such acquisition.

Acquisition of land for a relevant authority.

20 **79.** (1) No liability, whether civil or criminal, shall attach to any member or officer of the relevant authority or to any officer authorized by such member or officer, for anything which in good faith is done in the performance or exercise of any function or power imposed or assigned to such relevant authority under this Act.

Protection of members and officers of the relevant authority from suit or prosecution.

25 (2) Any expenses incurred by the relevant authority in any suit or prosecution brought by or against the relevant authority before any court, shall be paid out of the Fund of the relevant authority and any cost paid to or recovered by the relevant authority in any such suit or prosecution, shall be credited to the Fund of the relevant authority.

30 (3) Any expenses incurred by a member or officer of the relevant authority or by any officer authorized by any such member or officer, as the case may be, in any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act shall, if the court holds that such act was done in good faith, be paid out of the Fund of the relevant authority, unless such expenses
35 are recovered by him in such suit or prosecution.

80. (1) A person shall not, do anything to interfere or obstruct any member or officer of the Council or exercise any undue influence or coercion on any such member or officer, in the exercise or performance of any power or function by such member or officer under this Act.

Offences and penalties.

(2) Any person who :-

(a) willfully obstructs or hinders any member or officer of the relevant authority in the performance, discharge or exercise of any duty, function or power under this Act or any rule or regulation made thereunder;

(b) provides any information required under this Act or any rule or regulation made thereunder, knowing such information to be false or misleading in any material particular; or

(c) acts in contravention or violation of any decision of the relevant authority or of any provision of this Act or any rule or regulation made thereunder,

shall commit an offence and shall on conviction after summary trial before a Magistrate be liable, where no penalty is expressly provided for such offence by this Act or the rule or regulation concerned, to a fine not exceeding one hundred thousand rupees or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

81. Where an offence under this Act or any rule or regulation made thereunder is committed by a body of persons, then if that body of persons is:-

Offences committed by a body corporate or a partnership.

(a) a body corporate, every director and officer of such body corporate; or

(b) is a partnership, every partner of such partnership,

shall be guilty of that offence:

Provided that a director or an officer of a body corporate or a partner of a partnership, as the case may be, shall not be deemed to be guilty of such offence, if he or she proves to the satisfaction of the court that such offence was committed
 5 without his knowledge or that he or she exercised all due diligence as was necessary, to prevent the commission of such offence.

82. (1) Every member, of the relevant authority, every committee, an Advisory Committee and Appeals Committee
 10 established under this Act, and every expert, Authorized Inspector and all officers of the relevant authority, shall, before entering upon his duties, sign a declaration pledging himself, to observe strict secrecy respecting all matters connected with the working of the relevant authority, and
 15 shall by such declaration pledge himself not to reveal any information which may come to his knowledge in the performance or discharge of his duties or functions under this Act, except :-

Declaration of secrecy.

(a) in order to comply with any provision of this Act or
 20 any rule or regulation made thereunder or any other written law; or

(b) when ordered by a court of law.

(2) Nothing in the preceding provisions of this section shall be read and construed as authorizing a member, of the
 25 relevant authority, a committee, an Advisory Committee or an Appeals Committee established under this Act, or an expert, Authorized Inspector or any officer of the relevant authority, to reveal any information or to do any act in contravention of the rights conferred on any person, by or
 30 under the Intellectual Property Act, No. 36 of 2003.

83. Every member, of the relevant authority, any committee, an Advisory Committee and Appeals Committee
 established under this Act, and an expert, authorized officer or any officer of the relevant authority, who acts in
 Contravention of section 82 to be an offence.

contravention of section 82(1), shall commit an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding one hundred thousand rupees or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

84. All officers and servants of the relevant authority shall be deemed to be public servants within the meaning and for the purpose of the Penal Code.

Officers and servants of the relevant authority deemed to be public servants.

85. The relevant authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of the Act shall be construed accordingly.

Relevant authority deemed to be a schedule institution for purposes of Bribery Act.

86. (1) The Minister may make regulations in respect of all matters which are prescribed under this Act and in respect of which regulations are authorized to be made.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :-

- (a) the regulation of the exportation, importation, re-exportation, storage, mining, processing, designing, manufacturing, construction, assembling, acquiring, distribution, selling, leasing, hiring, receiving, siting, locating, commissioning, possessing, decommissioning, disassembling, using or disposing radioactive material or radioactive sources and of designing, manufacturing, selling, locating, possessing, using, exporting or importing of irradiating apparatus;
- (b) the decommissioning of irradiation installations;
- (c) the protection of radiation workers against harmful effects of ionizing radiation, including medical surveillance and occupational exposure of ionizing radiation;

- (d) the protection of general public and the environment against harmful effects of ionizing radiation;
- (e) the regulations of medical practices involving ionizing radiation, including protection of patients;
- 5 (f) the regulation of radioactive waste management, including release of waste into the environment and any practice which may affect public health and safety;
- 10 (g) the security of radioactive sources and controlled items; and
- (h) the formulation of a compensation scheme for the payment of compensation to radiation workers for any injury, illness or damage caused due to exposure to ionizing radiation.

15 (3) Every regulation made by the Minister, shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

20 (4) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for its approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

25 (5) A notification of the date on which any regulation shall be deemed to be rescinded, shall be published in the *Gazette*.

30 **87.** (1) The Council may make rules in respect of all or any matter for which rules are authorized or required to be made under this Act, and in particular in regard to the following matters:-

- (a) requirements to be complied with for the transport of radioactive material and radioactive waste to,

from and within the Republic of Sri Lanka, which shall:-

- 5 (i) include a categorization of radioactive material that takes into account the potential hazard posed by types, quantities and activity levels of such radioactive material;
- (ii) conform to the International Atomic Energy Agency regulations on safe transport of radioactive material;
- 10 (iii) include measures for the physical protection of radioactive material consistent with the standards laid down by the International Atomic Energy Agency;
- 15 (b) the specification of exclusions recommended by the International Atomic Energy Agency;
- (c) preparedness and response to nuclear or radiological emergency situations;
- (d) criteria for qualifications of radiation workers;
- 20 (e) the establishment of concentration levels of radioactivity in food and any other material used by the general public;
- 25 (f) the establishment of concentration levels of radioactivity above which food and other items used by the general public shall be prohibited to be imported to or produced or marketed in Sri Lanka;
- (g) the development of policies, standards and codes of conduct in regard to radiation protection, safety and security of sources, including peaceful use of nuclear technology; and

(h) requirements deemed necessary to give effect to the Safeguards Agreement, in respect of which no specific provisions are made by or under this Act.

(2) Every rule made by the Council, shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in such rule.

(3) Every rule made by the Council shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for its approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) A notification of the date on which any rule shall be deemed to be rescinded, shall be published in the *Gazette*.

88. In this Act, unless the context otherwise requires :- Interpretation.

“ambient dose equivalent rate $H^*(d)$ ” means the dose equivalent that would be produced by the corresponding aligned and expanded field in the *ICUR sphere* at a depth d on a radius opposing the direction of the aligned field with in a given period of time;

“accident” means any unintended event including operating errors, equipment failures and other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection and safety;

“decommissioning” means actions that are taken at the end of the operating lifetime of an irradiation installation to retire it from service, with due regard to the health and safety of

workers and members of the public and the protection of the environment, including safe removal and disposition of the sources;

5 “directional dose equivalent rate” means the dose equivalent that would be produced by the corresponding expanded field in the ICRU sphere at a depth d on a radius in a specified direction Ω within a given period of time;

10 “effective dose” means the quantity E , defined as a summation of all the tissue equivalent doses, each multiplied by the appropriate tissue weighting factor:

$$E = \sum w_T \cdot H_T$$

15 where H_T is the equivalent dose in tissue T and w_T is the tissue weighting factor for tissue T;

20 “exposure” means the act or condition of being subject to irradiation by ionizing radiation, and can be either external exposure (irradiation by ionizing radiation by sources outside the body) or internal exposure (irradiation by ionizing radiation by sources inside the body);

25 “facility” means any irradiation installation, mining and raw material processing sites such as uranium mines, radioactive waste management sites and any other places where radioactive material is produced, processed, used, handled, stored or disposed of on such a scale that consideration of protection and safety is required;

30

“fissionable material” means Uranium-233, Uranium-235, Plutonium-239, Plutonium-241

or any combination of these radionuclide,
other than –

(a) natural uranium or depleted Uranium
which is unirradiated; and

5 (b) natural uranium or depleted Uranium
which has been irradiated in thermal
reactors only;

10 “High Court” means the High Court of Sri Lanka,
holden in the Judicial Zone of Colombo
designated by the Minister with the
concurrence of the Chief Justice, by Order
published in the *Gazette*;

15 “incident” means any unintended event including
operating errors, equipment failures, initiating
events, accident precursors, near misses or
other mishaps, or unauthorized act, malicious
or non-malicious, the consequences or
potential consequences of which are not,
negligible from the point of view of protection
20 or safety from ionizing radiation;

“ionizing radiation” means radiation capable of
producing ion pairs in biological material;

25 “irradiating apparatus” means any system in which
charged particles are accelerated in a vacuum
through a potential difference of more than
five kilovolts (whether in one or more steps),
except an apparatus in which the only such
generator is a cathode ray tube, or visual
display device, which under normal operating
30 conditions, does not cause an instantaneous
absorbed dose rate of more than 5 micro gray
per hour at a distance of 50 millimeters from
any accessible surface. All type of X-ray

machines and charged particle accelerators are considered to be irradiating apparatus;

5 “irradiation installation” means a structure or an installation that houses a particle accelerator, X-ray apparatus or large radioactive sources and that can produce high radiation fields properly designed structures providing shielding and other protection and are equipped with safety devices such as interlocks which prevent inadvertent entry into the high radiation field and includes
10 installations for external beam radiation therapy, installation for sterilization or preservation of commercial products and some
15 installations for industrial radiography;

“licence” means a licence issued by the Council granting authorization to conduct of a practice, which is not a practice exempted under section 19 of this Act;

20 “licencee” means the holder of a licence;

“Minister” means the minister to whom the implementation of the provisions of this Act is assigned;

25 “nuclear material” means any source, material or any special fissionable material;

“nuclear or radiological emergency” means an emergency in which there is or is perceived to be a hazard, due to :-

- 30 (a) the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction; or
- (b) radiation exposure;

- “nuclear weapons” means an explosive device that derives its destructive force from nuclear reaction, either fission or combination of fission or fusion;
- 5 “over exposure” means any exposure of a person to ionizing radiation so as that the dose received by that person is in excess of the relevant dose limits as are prescribed;
- 10 “practice involving ionizing radiation” means any human activity that introduces additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources, in a way that increases
- 15 the exposure or the likelihood of exposure of people or the number of people exposed;
- “radiation protection” means the protection of people from the effects of exposure to ionizing radiation and the means for achieving this;
- 20 “radiation worker” means any person who is employed full time or part time or in a temporary capacity, for an employer who is responsible for ensuring the protection of such person from radiation, while being so
- 25 employed;
- “radioactive material” means any material emitting ionizing radiation which is subject to the regulatory control of the Council;
- 30 “radioactive source” means radioactive material that is permanently sealed in a capsule or closely bounded in a solid form and which is not exempted from regulatory control, and also means any radioactive material released if the radioactive source is leaking or broken;

5 “radioactive waste” means material in whatever physical form, remaining from practices or interventions that contains or is contaminated with radioactive material and has a radioactivity or radioactivity concentration higher than the level set for clearance from regulatory requirements and for which no further use is foreseen;

10 “Safeguards Agreement” means the Agreement between the Democratic Socialist Republic of Sri Lanka and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force on 06th August 1984 and any protocol thereto;

20 “safety” means the protection of people and the environment against ionizing radiation risks and the safety of facilities and activities that give rise to radiation risks;

25 “security” means the prevention and detection of and response to, theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear or other radioactive material or their facilities;

“source” means anything that may cause radiation exposure by emitting ionizing radiation or releasing radioactive material;

30 “source material” means uranium containing the mixture of isotopes occurring in the nature, uranium depleted in isotope 235, thorium and any of the foregoing in the form of metal, alloy, chemical compound or concentrate, any other material containing one or more of the foregoing in such concentration as determined by the Council from time to time;

35

5 “special fissionable material” means plutonium-239, uranium-233; uranium enriched in the isotopes 235 or 233, any material containing one or more of the foregoing and such other fissionable material as the Council shall determine from time to time, but shall not include source material; and

10 “uranium enriched in the isotopes 235 or 233” means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in the nature.

15 **89.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

PART IV

CHAPTER XIV

20 REPEALS AND SAVING

90. (1) The Atomic Energy Authority Act, No.19 of 1969 (hereinafter in this Act referred to as the repealed Act) is hereby repealed. Repeal of Act No. 19 of 1969 and saving provisions.

25 (2) Notwithstanding the repeal of the Atomic Energy Authority Act, No.19 of 1969 :-

30 (a) all members of the Atomic Energy Authority holding office on the date preceding the appointed date, shall with effect from the appointed date be deemed to become members of the Board and shall hold office as such members during the balance period left of the term of office for which they were appointed as members of the Authority;

- 5 (b) all movable and immovable property which on the date preceding the appointed date belonged to the Atomic Energy Authority shall, with effect from the appointed date, vest in the Board or the Council, as the case may be, as shall be determined by the Minister;
- 10 (c) all contracts and agreements entered into, by or with the Atomic Energy Authority and subsisting on the date preceding the appointed date, shall be deemed with effect from the appointed date, to become contracts and agreements entered into, by or with the Board or the Council, as the case may be, as shall be determined by the Minister;
- 15 (d) all such sums of money lying to the credit of the funds of the Atomic Energy Authority on the date preceding the appointed date, shall be transferred to the Fund of the Board or the Fund of the Council, as the case may be, as shall be determined by the Minister;
- 20 (e) all permits, memoranda of understanding or memoranda of cooperation issued by the Atomic Energy Authority and which is in force on the date preceding the appointed date, shall be deemed with effect from the appointed date, to be permits, memoranda of understanding or memoranda of corporation respectively, issued or entered into by the Board or the Council, as the case may be, as shall be determined by the Minister;

25
- 30 (f) all actions and proceedings instituted by or against the Atomic Energy Authority and pending on the date preceding the appointed date, shall be deemed with effect from the appointed date, to be actions and proceedings instituted by or against the Board or the Council, as the case may be, and may be continued and completed accordingly;

35

- 5 (g) the officers and servants of the Atomic Energy Authority holding office on the date preceding the appointed date, shall, with the consent of the officer or servant concerned and the Board or the Council, as the case may be, deemed with effect from the appointed date, to become officers or servants of the Board or Council, as the case may be, on terms not less favourable than their terms of employment in the Atomic Energy Authority;
- 10 (h) all judgments and orders made in favour or against the Atomic Energy Authority and remaining unsatisfied on the date preceding the appointed date, shall be deemed with effect from appointed date to be judgments and orders made in favour or against
- 15 the Board or the Council, as the case may be, depending on to whom the function or duty connected with or relating to the subject matter of such judgment or order has been assigned under this Act and may be enforced accordingly;
- 20 (i) all interests, rights, assets, obligations, debts and liabilities of the Atomic Energy Authority existing on the date preceding the appointed date, shall be deemed with effect from the appointed date, to be
- 25 interests, rights, assets, obligations, debts and liabilities of the Board or the Council, as the case may be, depending upon to whom the function or duty connected with or relating to the subject matter of such interests, rights, assets, obligations, debts and liabilities, as the case may be, has been assigned
- 30 under this Act; and
- 35 (j) all regulations made under the repealed Act and in force on the date proceeding the appointed date and which are not inconsistent with the provisions of this Act, shall be deemed with effect from the appointed date to be regulations made under this Act and may accordingly be amended or rescinded by the regulation made under this Act.

91. (1) Every licence issued under the Atomic Energy Authority under the Atomic Energy Authority Act, No. 19 of 1969 shall be deemed for a period of six months from the appointed date, to be a valid licence for the purpose of this Act and where such licensee desires thereafter to continue to conduct a practice under this Act, he shall be required to make an appropriate application to the Council under this Act for that purpose, not less than one month prior to the date of expiry of such six months.

Validation of licence issued under Act, No. 19 of 1969 and consequences.

(2) Any person who prior to the appointed date is engaged in an activity or practice on a licence issued by the Atomic Energy Authority Act, No.19 of 1969 and who wish to cease or discontinue such activity or practice after the appointed date, shall be required to inform the Council of such fact in such form as may be prescribed prior to the expiry of the six months referred to in subsection (1), and the provisions of subsections (3) and (4) of section 33 of this Act, shall *mutatis mutandis* apply to and in respect of the same.

Schedule [Sections 6(4) and 14(4)]

Provisions relating to members of the Board and of the Council

(1) A person shall be disqualified from being appointed a member or continuing as a member of the Board or the Council, if such person :-

- (a) becomes a member of Parliament, a member of a Provincial Council or a member of any local authority;
- (b) ceases to be a citizen of Sri Lanka;
- (c) has been declared an insolvent or an undischarged bankrupt under any law;
- (d) is found or declared to be of unsound mind under any law in force in Sri Lanka or any other country;
- (e) has been convicted by a court of law in Sri Lanka or any other country;
- (f) (i) is already a member of the Board, at the time of being appointed as a member of the Council; or

- (ii) is already a member of the Council, at the time of being appointed as a member of the Board; or
- (g) in the case of appointment as a member of the Council, if there is or likely to be a conflict of interest of the functions, duties of the Council.

(2) The Minister may remove from office a member of the Board or the Council, where:-

- (a) he becomes subject to any of the disqualifications set out in paragraph (1) of this Schedule;
- (b) in the opinion of the Minister, such member has become permanently incapable of performing his or her duties owing to any physical disability or unsoundness of mind; or
- (c) does any act which in the opinion of the Minister, is likely to bring the Board or the Council, as the case may be, to disrepute.

(3) The Chairman or any other member of the Board or the Council, may resign from such office by letter in that behalf addressed to the Minister, and the resignation shall become effective from the date of its acceptance by the Minister in writing.

(4) The office of a member of the Board or the Council, shall become vacant :-

- (a) on his or her death;
- (b) on the expiry of seven days from the date on which such member informs the Minister in writing of his intention of resigning from such office and upon the acceptance of the resignation by the Minister in writing;
- (c) on removal of such member from office;
- (d) if such member absents himself or herself from any two consecutive meetings of the Board or the Council, as the case may be, without the prior notification to the Chairman of the Board or the Council; or
- (e) on the termination of his or her term of office as a member.

(5) In the event of the vacation of the office of any appointed member of the Board or the Council, the Minister shall, in accordance with the provisions of section 6(1) or section 13(1), appoint another person to hold such office for the unexpired term of office of the member whom he succeeds.

(6) (a) Where a member of the Board or the Council, is temporarily unable to discharge his or her duties due to ill health, absence from Sri Lanka or for any other cause, the Minister may, on the recommendation of the Board or of the Council, appoint another person to act in place of such member during his absence.

(b) Where the Chairman of the Board or the Council, is temporarily unable to discharge his duties due to ill health, absence from Sri Lanka or for any other cause, the Minister shall appoint another member of the Board or of the Council, to act in place of such Chairman during his absence.

(7) The Members of the Board or the Council, shall be paid such remuneration as shall be determined by the Minister in charge of the subject of Finance.

(8) (a) The Board or the Council, as the case may be, shall meet at least once in every month or as often as may be necessary.

(b) The quorum for any meeting of the Board shall be five members, while the quorum for any meeting of the Council shall be three members.

(c) The Chairman of the Board or the Council shall preside at all meetings of the Board or the Council, and in the absence of the Chairman at any such meeting, the members present shall elect from amongst the members present, a member to preside at such meeting.

(d) The Chairman or the person presiding at any meeting of the Board or the Council, shall in addition to his vote, have a casting vote.

(e) The Board or the Council, may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(9) The seal of the Board or of the Council :-

(a) shall be as determined from time to time by the Board or the Council;

(b) shall be in the custody of such person as the Board or the Council shall determine;

(c) may be altered in such manner as may be determined by the Board or the Council; and

(d) shall not be affixed to any document or instrument, except with the sanction of the Board or of the Council, and in the presence of the Chairman and one other member of such Board or the Council, both of whom shall sign such document or the instrument in token of their presence.

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