

BELIZE:

RADIATION SAFETY AND SECURITY ACT, 2020

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Application.
4. Act binds State.
5. Objective of Act.

PART II

Prohibitions

6. Prohibition against non-peaceful use of ionizing radiation.
7. Prohibited activities.

PART III

Office of Radiation Safety and Security

8. Establishment of Office.
9. Functions of Office.
10. Establishment of Committee.

PART IV

Notification and licencing

11. Notification.
12. Limitation on activities and practices.
13. Application procedure.
14. Consideration of application.
15. Submission of radiation safety plan or nuclear security plan.
16. Publication of an application for high category sources.
17. Refusal of application.
18. Conditions on a licence.

19. Renewal of licence.
20. Modification of licence.
21. Non-transferability and validity of licence.
22. Relinquishment of licence.
23. Suspension of a licence.
24. Notice of suspension or non-compliance.
25. Revocation of licence.
26. False or misleading information.

PART V

Inspection

27. Appointment of inspectors.
28. Inspection programme.
29. Identification card.
30. Power of inspectors.
31. Power of inspectors to take samples and equipment.
32. Orders of inspectors.
33. Validity of decisions of inspectors.
34. Report on actions taken.
35. Limitation on personal liability of inspectors.

PART VI

Enforcement and penalties

36. Enforcement action.
37. Civil penalties.
38. General penalties.
39. Appeals Tribunal.

PART VII

Radiation protection and safety

40. Principles of radiation protection and safety.
41. Regulations for the protection of persons from injury.

- 42. Requirements for radiation protection.
- 43. Obligations of licensee.
- 44. Responsibility of licensee to ensure safety.
- 45. Regulations with respect to medical practices.
- 46. Protection of patients.

PART VIII

Emergency preparedness and response

- 47. National Emergency Preparedness and Response Plan.
- 48. Emergency plans.
- 49. Requirements for emergency plans.
- 50. Transboundary emergency.

PART IX

Nuclear security and physical protection

- 51. Regulations for physical protection of nuclear and other radioactive materials.
- 52. Nuclear security of radioactive materials.
- 53. Responsibility where theft, threat of theft or loss occurs.
- 54. Unlawful handling of radioactive or nuclear material and devices.
- 55. Proliferation financing.
- 56. Offence of opening, etc. seal.
- 57. Offence of use of radioactive or nuclear material.
- 58. Security of confidential information.
- 59. Communication prejudicing security of nuclear material in certain circumstances.
- 60. Jurisdiction.

PART X

Specific provisions

- 61. Safety and security of radioactive sources.
- 62. National Register of radiation sources.

- 63. Export, import and transit of radioactive sources.
- 64. Security measures for radioactive sources.
- 65. Loss of control over radioactive sources.
- 66. Liability insurance.
- 67. Transportation of radioactive material.
- 68. Radioactive waste management.
- 69. Principles applied to the management of radioactive waste.
- 70. Exportation of radioactive waste.
- 71. Limitation on the exportation of radioactive waste.
- 72. Decommissioning.
- 73. Cost of decommissioning.

PART XI

Safeguards

- 74. Implementation of Safeguards Agreement.
- 75. Cooperation in the application of safeguard measures.
- 76. System of accounting and control of nuclear material.

PART XII

Export and import controls

- 77. Goods subject to import and export controls.
- 78. Prohibition on the export or import of a controlled good.

PART XIII

Miscellaneous and Transitional

- 79. Regulations.
- 80. Transitional.
- 81. Commencement.



No. 31 of 2020

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

5th October, 2020

AN ACT to provide for the safe, secure and peaceful uses of nuclear technology; for the establishment of a regulatory body, for that purpose, to be known as the Radiation Safety and Security Office; and for matters connected therewith or incidental thereto.

(Gazetted 7th October, 2020).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as

Short title.

RADIATION SAFETY AND SECURITY ACT, 2020.

Interpretation.

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

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

“activities” includes activities comprising any of the following, namely—

- (a) the production, use, import and export of radiation sources for industrial, research and medical purposes;
- (b) the transport of radioactive material;
- (c) the siting, construction, commissioning, operation and decommissioning of facilities;
- (d) radioactive waste management;
- (e) some aspects of the remediation of sites affected by residues from past activities; and
- (f) any undertaking involving nuclear material and any other undertaking subject to the Safeguards Agreement;

“Appeals Tribunal” means the Radiation Safety and Security Appeals Tribunal established under section 39;

“clearance” means the removal of radioactive material or radioactive objects within notified or licenced activities subject to licensing, from any further regulatory control by the Office;

“Committee” means the Committee for Radiation Safety and Security established under section 10;

“conditioning” means the operations that produce a waste package suitable for handling, transport, storage or disposal and may include the conversion of the waste to a solid waste form, enclosure of the waste in containers and if necessary, provision of an over pack;

“decommissioning” means the administrative and technical actions taken to allow the removal of some or all of the regulatory controls from a facility;

“device” means any nuclear explosive device, or any radioactive material, dispersal or radiation emitting device, which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“discharge” means the planned and controlled release of radioactive material into the environment;

“disused source” means a radioactive source that is no longer used and is not intended to be used for the practice for which a licence had been granted;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“facility” means—

(a) an irradiation installation, a radioactive waste management facility and any other place where radioactive material or radiation generators are produced, processed, used, handled, stored or disposed of, or radiation generators are installed on such a scale that consideration of protection and safety from ionizing radiation is required; and

(b) for safeguards purposes—

(i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an

isotope separation plant, or a separate storage installation; or

- (ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used;

“health professional” means a person licenced or registered under—

Act. No. 28 of 2013.

(a) the Medical Practice Act;

CAP. 322.

(b) the Opticians Act;

CAP. 321.

(c) Nurses and Midwives Act; and

CAP. 316.

(d) the Dentists Act;

“IAEA” means the International Atomic Energy Agency;

“ionizing radiation” means radiation that is capable of producing ion pairs in biological materials;

“licence” means a legal document issued by the Office granting authorization to perform activities, undertake practices or operate a facility under this Act;

“licencee” means the holder of a licence;

“Minister” means the Minister responsible for the environment;

“nuclear material” means—

(a) material containing—

- (i) plutonium except that with isotopic concentration exceeding eighty per cent in plutonium-238;

- (ii) uranium-233;

- (iii) uranium rich in isotope 235 or 233;
- (iv) uranium containing a mixture of isotopes occurring in nature other than in the form of ore or ore residue;
- (b) any material containing one or more of the material in sub-paragraphs (i) to (iv); or
- (c) any source material or any special fissionable material;

“Office” means the Office of Radiation Safety and Security established under section 8;

“orphan source” means a radioactive source which is not under regulatory control, either because it has never been under regulatory control or because it has been abandoned, lost, misplaced, stolen or otherwise transferred without a proper licence;

“practice” means any human activity that introduces sources of exposure or additional exposure pathways, or extends exposure to additional people, or modifies the network of exposure pathways from existing sources so as to increase the exposure or the likelihood of exposure of people or the number of people exposed;

“radiation safety plan” means a plan submitted under section 15 which demonstrate how the applicant intends to comply with the fundamental safety principles that apply to radiation sources; and any other requirements of this Act, the regulations, and any condition of the licence;

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

“radiation source” means anything that may cause radiation exposure by emitting ionizing radiation or by releasing radioactive substances or materials and can be treated as a single entity for protection and safety purposes;

“radioactive material” means–

- (a) material subject to regulatory control by the Office because of its radioactivity;
- (b) for the purposes of transport, material containing radionuclides where both the activity concentration and total activity in the consignment exceeds the values set out in Regulations made under section 80; and
- (c) any material that spontaneously emits ionizing radiation, including any naturally occurring radioactive material or any nuclear material;

“radioactive source” means a source containing radioactive material that is used as a source of radiation;

“radioactive waste” means waste that contains or is contaminated with, radionuclides at concentrations or activities greater than clearance levels as established by the Office;

“radioactive waste management” means all administrative and operational activities involved in the handling, pre-treatment, treatment, conditioning, transport, storage and disposal of radioactive waste;

“radioactive waste management facility” means a facility, the primary purpose of which is radioactive waste management, and which is licenced under Part IV;

“regulatory control” means any form of control or regulation applied to facilities, activities or practices by the Office for

reasons relating to safety and radiation protection or to nuclear security;

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

“nuclear security” means the prevention of, detection of, and response to, criminal or intentional unauthorized acts involving or directed at nuclear material, other radioactive material, associated facilities, or associated activities;

“Nuclear Security Plan” means the primary documentation describing the physical protection system intended to meet the requirements specified by the Office, and specifies the information in the security plan that needs to be protected as sensitive information and how it should be protected;

“Safeguards Agreement” means the Agreement signed on March 1, 1997 between the Government of Belize and the IAEA for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons; and

“transport” means the deliberate physical movement of radioactive material from one place to another.

3.-(1) This Act applies in relation to all activities, facilities and practices involving the peaceful use of ionizing radiation conducted in Belize.

Application.

(2) This Act shall not apply to—

(a) non-ionizing sources of radiation; or

(b) a type of exposure determined by the Office as not amenable to regulatory control under this Act.

Act binds
State.

4. This Act binds the State.

Objective of
Act.

5. The objects of this Act are to—

- (a) establish a framework to protect the health and safety of people and protect the environment from the harmful effects of ionizing radiation and to allow for the beneficial and peaceful uses of ionizing radiation and its applications;
- (b) provide for the adequate protection of people and the environment, against the harmful effects of ionizing radiation and for the safety and security of radiation sources;
- (c) enable Belize to meet its obligations relating to radiation protection, safety, security, and nuclear non-proliferation, agreed under international instruments entered into by Belize, in particular the Agreement between Belize and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons and with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean; and
- (d) establish and maintain the Office with sufficient independence and to effectively perform the functions and responsibilities set out in this Act.

PART II

Prohibitions

Prohibition
against non-
peaceful use
of ionizing
radiation.

6. The use of ionizing radiation other than for peaceful purposes is prohibited.

7.-(1) A person shall not import-

- (a) radioactive waste generated outside of Belize into Belize for any purpose; or
- (b) any goods which have been contaminated with radioactive material into Belize for any purpose if the level of contamination exceeds the prescribed threshold.

(2) A person shall not-

- (a) engage in any activity or practice related to the acquisition or development of nuclear explosives, radiological dispersal devices, or other non-peaceful uses of radioactive material or nuclear material or assist any other person in such activity;
- (b) develop, produce, otherwise acquire, stockpile or retain radioactive material or nuclear material for the purpose of producing a weapon;
- (c) transfer, directly or indirectly, radioactive material or nuclear material to another person for the purpose of producing a weapon;
- (d) engage in any military preparations to use radioactive material or nuclear material; or
- (e) assist, encourage or induce, in any way, another person or entity to engage in any activity which is prohibited.

(3) A person who contravenes this section commits an offence.

PART III

Radiation Safety and Security Office

Establishment
of Office.

8. There is established an Office of Radiation Safety and Security within the ministry responsible for environment, which shall be headed by a Director.

Functions of
Office.

9.-(1) The functions and responsibilities of the Office are to—

- (a) exercise regulatory control over activities, practices and facilities involving ionizing radiation;
- (b) define the exposures of persons to ionizing radiation that are excluded from the scope of application of this Act because they are not amenable to licensing or other regulatory control;
- (c) advise the Minister on the development of national policies and measures for the regulatory control of facilities, activities and practices under this Act;
- (d) prepare and develop regulations and guidance necessary for the implementation of this Act, including the criteria for exemptions from regulatory control;
- (e) issue, amend, suspend or revoke licences and set conditions for practices and activities;
- (f) confirm the competence of personnel responsible for the safe and secure operation of facilities, activities and practices;
- (g) inspect, monitor and assess activities for the purpose of verifying compliance with this

Act, regulations or the terms and conditions of licences;

- (h) enforce compliance with the provisions of this Act, regulations and licence conditions, and ensure that appropriate corrective actions are taken;
- (i) obtain the advice or views of experts necessary for the performance of its functions, inter alia, the hiring of consultants;
- (j) define the obligations, including financial ones, of persons or entities licenced to conduct activities and practices or operate facilities;
- (k) establish and impose fees or charges for licences;
- (l) establish and maintain a national register of radiation sources;
- (m) establish and maintain a national register of persons licenced to carry out activities or practices under this Act;
- (n) establish and maintain such other registers that may be required from time to time;
- (o) cooperate with the IAEA, in the application of safeguards in accordance with the Safeguards Agreement and any Protocol thereto between Belize and the IAEA, including the conduct of inspections and visits, the carrying out of complementary access and providing any assistance or information required by IAEA inspectors designated by the IAEA in the fulfilment of their responsibilities;

- (p) establish and maintain a national system for the registration of licences for nuclear material;
- (q) establish the necessary reporting and record-keeping requirements pursuant to the Safeguards Agreement and any Protocols thereto between Belize and the IAEA;
- (r) establish and implement, with other relevant agencies, a system of control for the export and import of nuclear and other radioactive material, sources, equipment, information and technology determined to be necessary to implement the relevant international commitments of Belize;
- (s) establish regulatory measures for the security of nuclear and other radioactive material and their associated facilities and activities, including measures for the detection, prevention and response to unauthorized or malicious acts involving such material or facilities;
- (t) participate in the threat assessment and the definition of the design basis threat for the implementation of security provisions;
- (u) cooperate with other relevant agencies in respect of the establishment and maintenance of a plan for preparedness for and responses to emergencies involving nuclear or other radioactive material, in accordance with the National Emergency Preparedness and Response Plan established under section 48;
- (v) cooperate with other public bodies and non-governmental bodies having competence in

such areas as health and safety, environmental protection, security and transportation of dangerous goods;

- (w) exchange information and cooperate with regulatory bodies in other States and with relevant international organizations concerning matters arising from the exercise of its functions;
- (x) establish appropriate 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 activities and practices, including incidents, accidents, and abnormal occurrences;
- (y) obtain information, documents and opinions from such persons as may be necessary and appropriate for the conduct of its functions;
- (z) communicate directly with other public bodies in all circumstances it considers necessary for the effective exercise of its functions; and
- (aa) conduct any other functions that are necessary in its opinion to protect people and the environment of Belize against the harmful effects of ionizing radiation.

(2) In exercising any of its functions under this Act, the Office shall not be subject to the control or direction of any person or body.

10.—(1) There shall be established a Committee for Radiation Safety and Security.

Establishment
of Committee.

(2) The functions of the Committee shall be to—

- (a) review applications for licensing of high category sources;
 - (b) advise the Office on applications for licensing of high category sources;
 - (c) make recommendations to the Office on ways to improve the operations of the Office;
 - (d) do any other thing for the better carrying out of the functions of the Office.
- (2) The composition of the Committee shall be prescribed.
- (3) The Committee shall regulate its own proceedings.
- (4) Any advice provided by the Committee shall not relieve the Office of its responsibilities under this Act, other relevant laws and applicable regulations.
- (5) The Office shall ensure that the advice or support received from the Committee or other experts is provided in a manner that avoids any conflict of interest.

PART IV

Notification and Licencing

Notification.

- 11.**—(1) A person who proposes to undertake an activity or practice shall notify the Office of his intention in the prescribed form and manner.
- (2) Upon receipt of a notification under sub-section (1), the Office shall, within seven days after receipt, make a determination whether the proposed practice or activity requires a licence.
- (3) Where the Office determines under sub-section (2) that—

- (a) a licence is necessary, the Office shall inform the person in writing, to submit an application in accordance with section 13; or
- (b) a licence is not necessary, the Office shall inform the person in writing of that determination.

12.—(1) Subject to the provisions of this Act and except pursuant to a licence, a person shall not undertake any activity or engage in any practice.

Limitation on activities and practices.

(2) A person who contravenes sub-section (1) commits an offence.

13.—(1) Every person who is required to apply for a licence shall do so in the prescribed form and manner, and submit it to the Office.

Application procedure.

(2) The application shall be accompanied by the prescribed application fee.

(3) The Office may require an applicant to provide any further information that it considers necessary to determine the application.

14.—(1) Upon receipt of an application under section 13, the Office shall conduct a review and assessment of relevant information to determine whether facilities and activities or practices comply with regulatory requirements and the conditions specified in the licence.

Consideration of application.

(2) Based on the conclusions of the review and assessment, and taking into account the graded approach as prescribed by regulations, the Office may—

- (a) grant the licence, upon payment of the fee prescribed in relation to the prescribed activity; or

- (b) refuse to grant the licence on any of the grounds set out in section 17.

(2) Where the Office refuses to grant a licence, it shall inform the applicant, in writing, stating the reasons for the refusal and the right of appeal under section 39.

Submission of
radiation safety
plan or nuclear
security plan.

15.—(1) The Office may, in writing, require an applicant for a licence to submit—

- (a) a radiation safety plan in respect of any radiation sources to which the application relates; or
- (b) a nuclear security plan in respect of any radioactive sources to which the application relates.

(2) A plan under sub-section (1) shall demonstrate how the applicant intends to comply with the fundamental principles of safety and nuclear security that apply to the sources, and the other requirements of this Act, the regulations, and any applicable codes of practice.

(3) The content and format of a radiation safety plan and nuclear security plan shall be prescribed by regulations.

Publication of
an application
for high
category
sources.

16.—(1) Where the Office receives an application for high category sources as prescribed, it may, on two successive occasions within four weeks after the receipt, publish notification of the application in the Gazette and in two newspapers in national circulation in Belize, containing such information as may be prescribed.

(2) The Office, in issuing a licence under this Act, shall take into consideration any objections received.

Refusal of
application.

17.—(1) The Office may refuse to grant an application for a licence, where—

- (a) the application contains or is based on a false or misleading representation or information which is false in a material particular;
- (b) the Office considers that the proposed activities or practices are unlikely to be conducted in a manner that adequately ensures the protection of people and the environment or would not be in the public interest, having regard to such factors as the Office considers relevant;
- (c) the Office is not satisfied that the applicant is suitably qualified or fit and proper to be a licensee, having regard to such criteria as may be prescribed;
- (e) the applicant has not developed an appropriate emergency preparedness and response plan approved by the Office; and
- (f) the applicant has not complied with this Act and any regulations.

18.—(1) The grant of a licence is subject to compliance by the licensee with such terms and conditions as the Office may specify.

Conditions on
a licence.

19.—(1) A licensee may apply for renewal of a licence in the prescribed form and pay the prescribed fee within three months prior to the expiration of the licence or such longer period as the Office may determine.

Renewal of
licence.

(2) A licence shall be renewed if the Office is satisfied that—

- (a) there is the continued compliance by the licensee with this Act and any regulations;

(b) there has been no material change in the circumstances which existed at the time the licence was granted; and

(c) that the holder has satisfied such other requirements as may be prescribed.

Modification of licence.

20.—(1) The Office may modify a licence on its own initiative or on the application of the licensee.

(2) A modification may involve the imposition, modification, or the revocation, of a condition of the licence.

(3) A modification takes effect at the time of receipt of notification in writing by the licensee or at such later time as may be specified in the notification.

Non-transferability and validity of licence.

21.—(1) A licence is non-transferable and only valid for the period specified in the licence.

(2) A licence shall cease to be valid when any time limit established by regulations or condition of the licence has expired.

Relinquishment of licence.

22. A licence may be relinquished by the licensee upon notice to the Office and upon determination by the Office that relinquishment will not jeopardize the protection of people or the environment.

Suspension of a licence.

23. Subject to section 24, the Office may suspend a licence where the Office determines that—

(a) the licensee has breached any provisions of this Act, regulations or any condition of the licence;

(b) conditions under which the licence was issued can no longer be complied with; or

- (c) continued activity or the practice under the licence would pose an unacceptable risk to people or the environment.

24.—(1) Where the Office intends to suspend a licence, the Office shall issue to the licensee—

Notice of
suspension
or non-
compliance.

- (a) a notice of suspension in the prescribed form;
or
- (b) a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance under sub-section (1) shall—

- (a) contain information detailing—
 - (i) the areas in which the licensee is not complying with this Act, regulations or any conditions of the licence;
 - (ii) the corrective action which is required to be done for the licensee to be compliant with this Act and any regulations; and
 - (iii) the time frame under which all corrective actions should be completed; and
- (b) state, that failure to complete required corrective actions may result in the suspension or revocation of the licence.

(3) Where a Notice of Non-Compliance is issued to a licensee, the licensee shall take such steps to remedy the defects stated in the Notice of Non-Compliance within the time frame specified.

(4) A licensee in respect of whom a Notice of Non-Compliance is issued under this section, shall within such time as determined by the Office, make the necessary enquiries as to the corrective action required to be completed.

(5) Where a licensee is unable to complete any or all of the corrective actions in the time frame set out in the Notice of Non-Compliance, the licensee shall inform the Office and the Office may extend the period specified in order for the work to be completed.

(6) Subject to sub-section (5), where a licensee fails to complete any of the corrective actions specified in the Notice of Non-Compliance within the time frame specified the Office may suspend or revoke the licence.

**Revocation of
licence.**

25.—(1) The Office may revoke a licence, where it is satisfied that—

- (a) in the case of an individual, the licensee has died, or has, since the grant of the licence, suffered from or is suffering from a mental or physical condition, which renders the licensee incapable of properly carrying out the activities or practices to which the licence relates;
- (b) the application for the licence, or any communication in relation to the licence, contains any false or misleading information or omits any material particular;
- (c) the licensee has failed to remedy the breach which gave rise to the suspension of the licence under section 24, within the time specified in the Notice of Non-Compliance;
- (d) the nature and scope of the operations of a facility have been so altered as to cause the area

approved for radiation activity to cease to operate as a facility for the purposes of this Act;

- (e) any fee or other charge payable, under this Act, by the licensee remains unpaid for a period of ninety days after the suspension of the licence; or
- (f) any of the grounds referred to in section 23 apply to the licensee.

(2) Before revoking a licence under sub-section (1), the Office shall notify the licensee in writing of the proposed revocation, stating the reasons for the revocation.

(3) Where a licence has been revoked, the licensee shall cease all practices and activities under the licence.

(4) The suspension or revocation of a licence shall not relieve the licensee of the responsibility for the safety and security of the facility, the radiation sources or any other radioactive material.

(5) A person who fails to cease all practices and activities after the revocation of a licence commits an offence.

26. An applicant for a licence who deliberately with an intent to mislead the Office provides false or misleading information to the Office commits an offence.

False or
misleading
information

PART V

Inspection

27.—(1) For the purposes of this Act, the Office may, from time to time, appoint suitably qualified persons as inspectors, having regard to such qualifications as may be prescribed.

Appointment
of inspectors.

(2) An inspector is under the general direction of the Office in the performance of functions.

(3) The Office shall notify the appointments of inspectors in the *Gazette*.

Inspection
programme.

28.—(1) The Office shall establish an inspection programme based on a graded approach to monitor compliance with the requirements of this Act, any applicable regulations, and the conditions of licences issued under its Office.

(2) The inspection programme includes programmatic, reactive, announced, and unannounced inspections.

(3) The Office shall establish qualifications for inspectors and a training programme to ensure a high level of competence for inspectors.

(4) The Office shall ensure that the inspection programme is supported by adequate financial, technical, and human resources to meet its objectives.

Identification
card.

29.—(1) The Office shall issue each inspector with an identification card in the prescribed form.

(2) The identification card shall be issued to the inspector as soon as is reasonably practicable after the appointment is made.

(3) An inspector shall, at the request of a person in relation to whom the inspector intends to exercise any powers under this Act, produce for the inspection of the person his identification card.

(4) An inspector shall, on ceasing to be an inspector for any reason, immediately return his identification card to the Office.

Power of
inspectors.

30.—(1) An inspector may, for any reasonable purpose in the execution of this Act, and subject to the direction of the Office—

- (a) inspect facilities and activities to verify compliance with this Act, applicable regulations and conditions of licence;
- (b) investigate any incident or accident involving radiation sources, nuclear material or any other radioactive material;
- (c) question any person who has duties which in the view of the inspector may be pertinent to the inspection being carried out;
- (d) enter premises and vehicles at any time with or without the consent of the owner;
- (e) keep such records as may be specified by the Office, and for that purpose obtain information about the status of the radiation safety and nuclear security of a facility;
- (f) confiscate unlicensed devices; and
- (g) perform such other functions as may be prescribed or as may be authorized by the Office for the purposes of this Act.

31.—(1) An inspector may, at any time, take for analysis—

- (a) sufficient samples of any material which he suspects to be contaminated; and
- (b) any equipment which he suspects to be defective.

Power of inspectors to take samples and equipment.

(2) A person who obstructs or hinders an inspector in the carrying out of his duties under this section and section 30 commits an offence.

32.—(1) Where an inspector takes action under sections 30 or 31, the inspector may—

Orders of inspectors.

- (a) immediately order the temporary suspension of the activity or the practice;
- (b) order the licensee to prohibit employees who do not meet applicable requirements from engaging in the activity or practice;
- (c) order that nuclear or radioactive material originating from a suspended activity or practice be safely and securely stored; and
- (d) require that corrective action be taken.

(2) Where an inspector takes any action under sub-section (1), the inspector shall, within twenty-four hours of taking such action, make a report to the Office of his findings and any actions taken by him.

(3) A report under sub-section (2) shall include—

- (a) relevant findings and identify the evidentiary basis for the findings;
- (b) measurements;
- (c) test results;
- (d) explanations; and
- (e) any other information the inspector deems relevant.

Validity of
decisions of
inspectors.

33. Where an inspector takes action under section 32, the decision of the inspector remains in force unless and until—

- (a) it is withdrawn by the inspector;
- (b) reversed or modified by the Office; or

(c) altered through an appeal under section 39.

34.-(1) A report submitted under this section shall be made available to the licensee affected, who shall have the right to submit explanations or objections within seven days of the issuance of the report.

Report on actions taken.

(2) All inspection results shall be documented and recorded as part of the management system of the Office.

35. An inspector is not personally liable for any act carried out in the due performance of his functions.

Limitation on personal liability of inspectors.

PART VI

Enforcement and Penalties

36. Where a licensee is found to be in non-compliance with this Act, regulations or conditions of the licence, the Office shall take the necessary enforcement actions commensurate with the seriousness of the non-compliance or the violation.

Enforcement action.

37. Where the Office has determined that a person or an entity has breached this Act or any regulations made hereunder, it may, in addition to any enforcement action, impose a civil fine not exceeding one hundred thousand dollars for any single violation.

Civil penalties.

38. Any person who contravenes any of the provisions of this Act for which no penalty is specifically provided is liable on summary conviction to a fine of one hundred thousand dollars.

General penalties.

39.-(1) There is established a tribunal to be known the Radiation Safety and Security Appeals Tribunal to hear appeals against any regulatory decisions of the Office.

Appeals Tribunal.

(2) An applicant for a licence, a licensee or any other person significantly or likely to be affected by a decision

of the Office, may appeal to the Tribunal by way of the prescribed notice of appeal within twenty one days of the decision, or within such longer period as the Tribunal may allow.

(3) Any such appeal shall not have the effect of suspending the decision by the Office.

PART VII

Radiation Protection and Safety

Principles
of radiation
protection and
safety.

40. Radiation protection and safety activities shall be based on the following fundamental principles–

- (a) the justification principle, that is to say, the activity or practice must produce sufficient benefit to exposed persons or to society in a manner that offsets the detriment or harm that it may cause, taking into account social, economic and other relevant factors;
- (b) the optimization principle, that is to say, in relation to radiation exposures from any activity or practice, radiation protection measures should ensure that doses, the number of persons exposed and the likelihood of incurring exposure are at all times kept as low as reasonably achievable, taking into account social and economic factors; and
- (c) the dose limitation principle, that is to say, activities and practices shall be conducted in a manner that ensures that the total dose that a person may experience does not exceed any prescribed dose limit, so that no person is subject to an unacceptable risk attributable to radiation exposure.

41.–(1) The Office may make regulations for the protection of persons from injury due to exposure to ionizing radiation.

Regulations for the protection of persons from injury.

(2) The Office shall prescribe dose limits for persons that may not be exceeded in conducting activities or practices.

(3) Any dose limits prescribed shall take into account any recommendations of the IAEA and the International Commission on Radiation Protection.

(4) The Authority may prescribe clearance levels or values below which radioactive material or nuclear material or radioactive objects within authorized activities and practices can be released from regulatory control.

(5) The Office may, make regulations, exempting radiation sources or practices from regulatory control based on the following criteria–

- (a) that the radiation risk for persons is sufficiently low as to be of no regulatory concern;
- (b) that the collective radiological impact is sufficiently low that regulatory control is not warranted; and
- (c) that the radiation source or practice is inherently safe, with no likelihood of creating situations that could result in a failure to meet the criteria in paragraph (a) or (b).

42.–(1) The Office shall prescribe requirements for radiation protection that shall be met before any activity or practice can be licensed.

Requirements for radiation protection.

(2) These requirements shall include, inter alia, the following–

- (a) that the licensee possesses an adequate understanding of the fundamental principles of radiation protection as specified in section 41;
- (b) that the licensee will take all steps necessary for the protection and safety of workers and the public by keeping doses below the relevant threshold and ensuring that all reasonable steps are taken to minimize adverse effects on the population, at present and in the future;
- (c) that the licensee will plan and implement the technical and organizational measures including a management system to ensure adequate safety against radiological hazards;
- (d) that the licensee will prepare and implement an appropriate emergency plan;
- (e) that the licensee will ensure compliance with the dose limits prescribed by the Office and will monitor the radiation exposure of workers;
- (f) that the licensee possesses adequate human and financial resources to conduct the proposed activity or practice in a manner that ensures safety and security;
- (g) that the licensee has established a management system to enhance safety and to foster a strong safety culture;
- (h) that the licensee has made adequate financial arrangements for radioactive waste management, and potential liability for radiological damage;
- (i) that the licensee will provide access by inspectors of the Office to locations necessary for the performance of their duties;

- (j) that the licensee will not modify its conduct of any licensed activity or practice in a manner that could affect the protection of workers, patients, the public or the environment without seeking the approval of the Office; or
- (k) that the licensee will provide, upon request or pursuant to the requirements in regulations, all information considered to be necessary by the Office.

43. A licensee or other person that carries out an activity or engages in a practice shall operate in accordance with the provisions of section 42 and the fundamental principles of radiation protection and safety specified in section 40, and the Office shall not licence or keep licensed any person who does not so operate.

Obligations of licensee.

44.—(1) The licensee shall be primarily responsible for ensuring safety.

Responsibility of licensee to ensure safety.

(2) The licensee and any other party having responsibility for safety shall ensure compliance with the requirements and dose limits prescribed by the Office and shall ensure that radiation doses to workers and the public, including doses from releases into the environment, are as low as reasonably achievable, taking into account social and economic factors.

45. The Office shall, with respect to medical practices, in addition to the requirements set out in section 42, prescribe—

Regulations with respect to medical practices.

- (a) the qualification and training for users of ionizing radiation;
- (b) the measures to protect patients, including the justification of practices and optimization of exposures; and
- (c) the performance criteria for radiation generators.

Protection of patients.

46.—(1) A licensee shall ensure that no patient is administered a diagnostic or therapeutic exposure unless the exposure is prescribed by a medical practitioner who is assigned the responsibility and obligation for ensuring overall patient protection and safety in the prescription and during the delivery of medical exposures.

(2) A medical radiological practitioner shall inform the patient of the expected benefits and risks of such exposure.

(3) A person responsible for the medical practice shall ensure that there are arrangements in place for appropriate radiation protection in cases where a female patient is or might be pregnant or is breast-feeding.

PART VIII

Emergency Preparedness and Response

National
Emergency
Preparedness
and Response
Plan.

47.—(1) The National Emergency Management Organization shall, in consultation with the Office, develop a National Emergency Preparedness and Response Plan for nuclear and radiological emergencies which it shall review periodically, at intervals of not more than three years.

(2) The emergency response plan shall assign responsibilities for a systematic, coordinated, and effective response to a radiological emergency.

(3) The Office shall provide the necessary advice to the National Emergency Management organization for effective response to any emergency, which may have consequences of radiation exposure.

Emergency plans.

48.—(1) An applicant for a licence shall develop an appropriate emergency preparedness and response plan to be submitted as part of the application and considered by the Office, the approval of which is a condition of the grant of the licence.

(2) Where the Office approves an emergency plan established by a licensee, and a radiological emergency occurs, the licensee shall implement that emergency plan.

(3) A licensee shall periodically review, update, and test his emergency plans established under this section.

(4) An emergency preparedness and response plan shall consider, *inter alia*—

- (a) an assessment of the nature, likelihood, and potential magnitude of resulting damage, including the population and territory at risk from an accident, malicious act, or incident; and
- (b) the result of any accident analyses and any lesson learned from experience and or incidents and accidents that have occurred in connection with similar activities or practices.

49.—(1) An emergency preparedness and response plan under section 48 shall include—

Requirements
for emergency
plans.

- (a) a requirement that a licensee immediately notify the Office of any situation or incident that can pose a risk of radiological injury requiring emergency response;
- (b) an allocation of responsibilities for notifying the relevant emergency response organization and for initiating response;
- (c) intervention levels for protective action and the scope of their application, taking into account the possible severity of emergencies that could occur;

- (d) procedures including communication arrangements for contacting and obtaining assistance from emergency response organization;
- (e) a description of the methodology and instrumentation for assessing an emergency situation and its consequences;
- (f) criteria for terminating each protective action;
- (g) provisions for training of emergency responders and for conducting practical exercises, as appropriate, to test the adequacy of the plan and to ensure that all parties that maybe involved in emergency responses are adequately informed and prepared for possible emergencies; and
- (h) provision for providing prior information to members of the public who could reasonably be expected to be affected by an emergency.

Transboundary
emergency.

50. Where a radiological emergency occurs that poses a risk that radioactive contamination could spread beyond the boundaries of Belize, the Office shall immediately notify the IAEA and the relevant authorities of any State which is, or may be physically affected by a release that could be of radiological significance for that State.

PART IX

Nuclear Security and Physical Protection

Regulations
for physical
protection
of nuclear
and other
radioactive
materials.

51.—(1) The Office shall, by regulations, establish requirements for the physical protection of nuclear and other radioactive material, including—

- (a) categorization of nuclear and other 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 authorized uses, or from sabotage of a facility in which nuclear and other radioactive material is, used, handled, stored or disposed of;

- (b) protection measures necessary for different categories of material;
- (c) accounting and control measures for nuclear and other radioactive material;
- (d) licensing requirements and procedures that include licence conditions for physical protection;
- (e) inspection and monitoring measures to verify compliance with applicable nuclear security requirements;
- (f) enforcement measures in case of non-compliance with applicable regulations or licence conditions; and
- (g) management system that the licensee shall apply to enhance nuclear security and to foster a strong security culture.

(2) Nuclear security measures shall be adopted based on a domestic threat assessment.

52.—(1) The licensee shall be primarily responsible for ensuring the nuclear security of radioactive material and related facilities pursuant to applicable regulations and licence conditions.

Nuclear
security of
radioactive
materials.

(2) Where there has been theft, threat of theft, loss or loss of control over radioactive material, the licensee entitled to control the radioactive material shall—

- (a) notify the Office without delay of the incident and the circumstances;
- (b) provide a written report, including particulars to the Office as soon as practicable after giving notification under paragraph (a); and
- (c) provide the Office with any additional information requested.

Responsibility
where theft,
threat of theft
or loss occurs.

53.—(1) Where the Office has been made aware of theft, robbery, unlawful taking or appropriation of control over, or other credible threat of unlawful taking of or appropriation of control over nuclear or other radioactive material, the Office shall notify other States and international organizations that may be affected by the circumstances of the incident.

(2) In addition to notification under sub-section (1), the Office shall determine the necessary cooperation and assistance arrangements in the recovery and protection of the nuclear or other radioactive material to be agreed with any State or international organization that so requests.

(3) The Office shall provide information on incidents involving theft, robbery or any other unlawful taking of nuclear or other radioactive material, equipment, and technology to the IAEA.

Unlawful
handling of
radioactive
or nuclear
material and
devices.

54.—(1) A person commits an offence who, without authority receives, possesses, transfers, alters or disposes of radioactive or nuclear material or possess a device—

(a) with intention to cause—

(i) death or serious bodily injury; or

(ii) substantial damages to property or the environment; or

- (b) which causes or is likely to cause death or serious injury to any person or substantial damage to property or the environment.

(2) A person commits an offence who—

- (a) steals nuclear or other radioactive material;
- (b) embezzles or fraudulently obtains nuclear or other radioactive material; or
- (c) carries, sends, or moves nuclear or other radioactive material into or out of Belize by any means without authority.

(3) A person who threatens to commit an offence under sub-section (2)(a) in order to compel a national or legal person, international organization or State to do or refrain from doing any act commits an offence.

(4) A person who demands nuclear or other radioactive material or a device by threat or use of force, or by any other form of intimidation, under circumstances which indicate the creditability of the threat commits an offence.

55. A person who, by any means, directly or indirectly, wilfully provides or collects funds, or attempts to do so, with the intention or in the knowledge that such funds are to be used in whole or in part for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear weapons and their means of delivery commits the offence of financing of proliferation.

**Proliferation
financing.**

56. Every person who, without reasonable excuse, opens, alters, breaks or removes any seal placed by an authorized officer on a radiation source or its container or device, commits an offence.

**Offence of
opening, etc.
seal.**

Offence of use
of radioactive
or nuclear
material.

57.—(1) A person commits an offence who, without authority, uses or disperses in any manner radioactive or nuclear material or uses or makes a device—

(a) with the intention to cause—

(i) death or serious bodily injury; or

(ii) substantial damage to property or the environment;

(b) to compel a natural or legal person, an international organization, or a State, to do or refrain from doing an act; or

(c) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment.

(2) A person who threatens to commit an offence under sub-section (1) commits an offence.

Security of
confidential
information.

58.—(1) A person with an official duty or employed in the administration of this Act shall—

(a) regard and deal with as secret and confidential, all information, books, records or other documents relating to the functions of the Office, in accordance with any law in force dealing with secrecy of government information; and

(b) maintain, after the termination of the duty or employment, the secrecy and confidentiality of all information, books, records or other documents relating to the functions of the Office, in accordance with the provisions of any law in force dealing with secrecy of government information.

(2) Any person to whom information is communicated pursuant to this Act shall regard and deal with such information as secret and confidential, except in the case of an investigative authority in the course of an investigation or to the extent otherwise provided in any other law.

(3) Every person referred to in sub-section (1) or (2) having possession of or control over any information, book record or other document, who at any time communicates or attempts to communicate any such information or anything contained in such book, record or document to any person, otherwise than for the purposes of this Act or—

(a) to any person, other than—

(i) an officer nominated by the Office; or

(ii) an investigative authority, or a law enforcement agency or regulatory authority in a jurisdiction outside Belize; or

(b) otherwise than pursuant to a court order,

commits an offence.

59. A person who communicates information to someone else, knowing that the information would prejudice nuclear security including the physical protection of radioactive material, or associated facility commits an offence.

Communication
prejudicing
security
of nuclear
material
in certain
circumstances.

60. Belize has jurisdiction over the offences set out as follows—

Jurisdiction.

(a) when the offence is committed in Belize or on board a ship or aircraft registered in Belize;

(b) when the alleged offender is a national or permanent resident of Belize;

- (c) when the alleged offender is present in Belize; and
- (d) when an act is done outside Belize, if the act is done in the course of the international transport of radioactive material or nuclear material or a radiation generator and the shipment originates in Belize or Belize is the ultimate destination.

PART X

Specific Provisions

Safety and security of radioactive sources.

61.—(1) The Office shall, by regulations, develop a system of control over radioactive sources and devices in which the sources are incorporated to ensure that they are safely managed and securely protected during and at the end of their useful lives.

(2) The Office shall, by regulations, using internationally recognized guidance, adopt a categorization of sources based on potential injury to people and the environment that could result if the radioactive sources are not safely managed or securely protected.

National Register of radiation sources.

62.—(1) The Office shall establish and maintain a national register of radiation sources.

(2) The Office shall establish the categories of radiation sources required to be included in the national register.

(3) The Office shall adopt measures to protect information contained in the national register to ensure the safety and security of these sources.

(4) A person who alters the national register without approval of the Office commits an offence.

63.—(1) The Office shall develop regulatory requirements and procedures for the licensing of the export, import and transit of radioactive sources from, to or through the territory of Belize.

Export, import and transit of radioactive sources.

(2) The procedures established under sub-section (1) shall provide for an evaluation of information to ensure that a recipient is licensed to receive the requested source and has the capacity to ensure its safety and security.

(3) For applications to export high level category sources as prescribed by regulations, the Office shall satisfy itself, insofar as practicable, that the importing State has the appropriate technical and administrative capability, resources and regulatory structure for the safe and secure management of the requested sources.

64.—(1) The Office shall establish requirements for security measures to deter, detect and delay the unauthorized access to, or the theft, loss or unauthorized use or removal of radioactive sources during all stages of their management.

Security measures for radioactive sources.

(2) Security measures under sub-section (1) shall be based on a domestic threat assessment.

65.—(1) As a condition of each licence, the licensee shall promptly report any loss of control over radioactive sources, or any other situation, or incident in connection with a radioactive source that may pose a significant risk of radiological injury to persons or substantial damage to property or the environment.

Loss of control over radioactive sources.

(2) The Office shall coordinate with specified public bodies the development of a national plan to be approved by the Minister, for promptly gaining or regaining control over orphan sources.

(3) The Office shall determine, through regulations, requirements for the management of disused sources including,

reuse or recycling, long-term storage and disposal and return to a supplier as prescribed in section 66(2).

**Liability
insurance.**

66.—(1) The Office shall prescribe requirements for liability insurance for licencees having regard to the risks associated with the use of radioactive sources and based on the type of activity being conducted.

(2) The Office shall determine the categories of sources for which a contract with the supplier for the return of the sources at the end of its useful life is required.

(3) Where the Office determines that a source, subject of an application for a licence is required to be returned to the supplier at the end of its useful life, it shall be a condition of the licence issued under this Act that a contract between the licencee and the supplier contains provisions for the supplier to take back the disused source.

(4) The Office shall prescribe regulatory requirements and procedures for the licensing of the export, import and transit of radioactive sources from, to or through the territory of Belize.

**Transportation
of radioactive
material.**

67.— (1) The licencee shall have the primary responsibility for ensuring the safety and security of radioactive material during its transportation.

(2) The Office shall prescribe requirements for the transport of radioactive material to, from and within the jurisdiction of Belize, which shall take into account the technical requirements of the IAEA Regulations for the Safe Transport of Radioactive Material and shall include measures for the physical protection of radioactive material consistent with the IAEA nuclear security guidance documents.

**Radioactive
waste
management.**

68.—(1) A national policy and strategy for radioactive waste management shall be initiated by the Office and approved by the Minister.

(2) The Office shall prescribe requirements for a safe management of radioactive waste, including its categorization, conditioning, treatment, storage and disposal.

(3) The Office shall ensure the continuous regulatory control over radioactive waste from its generation to final disposal, including institutional controls.

(4) The prime responsibility for ensuring the safety and security of radioactive waste rests with the holder of the relevant licence.

(5) The Office shall prescribe requirements and procedures for transfer of responsibilities considering interdependencies among all steps of radioactive waste management.

69. At all stages in the management of radioactive waste in Belize, the following principles shall be applied by all persons and entities including government bodies–

Principles
applied to the
management
of radioactive
waste.

- (a) that people and the environment are adequately protected against radiological and other hazards;
- (b) that the generation of radioactive waste is kept to a minimum;
- (c) that the interdependence among the different steps of radioactive waste management is taken into account;
- (d) that protective measures for radioactive waste management are implemented in a manner that reflects internationally recognized criteria, standards and guidance, specifically those adopted by the IAEA;
- (e) that biological, chemical and other hazards that may be associated with radioactive waste management are adequately addressed;

- (f) that actions imposing reasonably predictable impacts on future generations greater than those permitted for the current generation are avoided;
- (g) that undue burdens on current and future generations are avoided; and
- (h) that appropriate funding arrangements are in place.

Exportation
of radioactive
waste.

70. Radioactive waste generated within Belize may be exported only upon the issuance of a licence by the Office.

Limitation on
the exportation
of radioactive
waste.

71. Radioactive waste shall not be licenced for export to a destination south of latitude 60 degrees south for storage or disposal.

De-
commissioning.

72. The Office shall prescribe—

- (a) the criteria for decommissioning of a facility or a device in which a high category source is used or stored; and
- (b) the necessary requirements for the completion of such decommissioning.

Cost of de-
commissioning.

73. The licensee shall make financial arrangements to cover the costs associated with safe decommissioning, including management of the resulting waste.

PART XI

Safeguards

Implementation
of Safeguards
Agreement.

74.—(1) The Office shall ensure the implementation of the obligations of Belize arising from the Safeguards Agreement and any protocols thereto.

(2) The Office shall–

- (a) verify the implementation of the obligations of Belize arising from the instruments referred to in sub-section (1);
- (b) collect and provide to the IAEA the information required to fully implement the Safeguards Agreement;
- (c) facilitate access by IAEA inspectors within Belize;
- (d) coordinate with other relevant governmental bodies in connection with the provision of information to the IAEA in connection with the Safeguards Agreement.

75. All agencies of Belize and licenced persons and entities shall cooperate fully with the IAEA in the application of safeguards measures, including by–

Cooperation in the application of safeguards

- (a) promptly providing all necessary information under the Safeguards Agreement and any protocols thereto;
- (b) providing access to locations as required by the Safeguards Agreement and any protocols thereto;
- (c) providing support to the Office and IAEA inspectors in the performance of their tasks;
- (d) rendering to the Office and IAEA inspectors all necessary services in connection with their inspections.

76. The Office shall ensure the effective implementation of safeguards in Belize by establishing and implementing a State System of Accounting for and Control of Nuclear Material (SSAC).

“System of accounting and control of nuclear material.”

PART XII*Export and Import Controls*

Goods subject to import and export controls.

77. The Office shall adopt the necessary measures, including a system of licences, requirements and criteria for licensing, to control the export and import of goods that need to be subject to import and export controls under the Safeguards Agreement (“controlled goods”).

Prohibition on the export or import of a controlled good.

78. The export from or import into Belize of a controlled good without prior licence by the Office in accordance with the required procedure is prohibited.

PART XIII*Miscellaneous and Transitional*

Regulations.

79.—(1) The Office may, with the approval of the Minister, make Regulations prescribing anything required to be prescribed under this Act.

(2) Regulations made under this Act may provide that any breach or contravention of any such regulation may be punishable on summary conviction by a fine not exceeding one hundred thousand dollars or to imprisonment for a period not exceeding two years, or both.

(3) Notwithstanding the generality of sub-section (1), regulations may provide for—

- (a) the licensing requirements not provided for under this Act;
- (b) fees;
- (c) the categorization of radiation sources, nuclear and radioactive material and the types of facilities;

- (d) requirements for radioactive waste management, including requirements and procedures for transfer of responsibilities considering interdependencies among all steps of radioactive waste management and requirements for the management of disused sources;
- (e) the inspection requirements and procedures not provided for under this Act;
- (f) the exemptions from regulatory control;
- (g) dose limits for persons that may not be exceeded;
- (h) clearance levels or values below which radioactive material or within licensed activities and practices can be released from regulatory control;
- (i) the financial obligations of persons or entities licensed to conduct activities under this Act;
- (j) the exposures of persons to ionizing radiation excluded from the scope of application of this Act;
- (k) the requirements in respect of registers established under this Act;
- (l) the requirements for the establishment and maintenance of—
 - (i) a system of accounting for and control of nuclear material;
 - (ii) a national system for the registration of licences for nuclear material; and

- (iii) content and format of the safety and nuclear security plans;
 - (m) the reporting and record-keeping requirements required pursuant to the Safeguards Agreement and any Protocols thereto;
 - (n) establishment of regulatory measures for the security of nuclear and other radioactive material and their associated facilities and activities including measures for the detection, prevention and response to unauthorized or malicious acts involving such materials or facilities;
 - (o) the method for the exchange of information and cooperation with regulatory bodies in other States and with other relevant international organizations concerning matters arising from the exercise of the functions of the Office;
 - (p) the 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 activities and practices, including incidents, accidents, and abnormal occurrences;
 - (q) requirements of high category sources for decommissioning; or
 - (r) composition of the Committee for Radiation Safety and Security.
- (4) Regulations may–
- (a) refer to or incorporate, wholly or partially and with or without modification, any established code or standard that is in force at a particular time or from time to time; and

- (b) be of general application or limited according to time, place or circumstances.

(5) If a code or standard is referred to or incorporated in regulations, evidence of the contents of the code or standard may be given in any legal proceedings by production of a document apparently certified by the Office to be a true copy of the code or standard.

80.—(1) As from the commencement date, the provisions of this Act shall be applied to all pending applications for licences, permits or other authority.

Transitional.

(2) Any licences, permits or other authority granted prior to the commencement date in respect to any regulated activity shall continue to be valid, so, however, that they shall expire, at the latest, ninety days after the commencement date, if it has not then expired.

(3) Any person engaging in a regulated activity on the commencement date shall apply for a licence as required in this Act within ninety days after the commencement date or such longer period as the Office may, in writing allow.

(4) The Office may, by notice in writing, vary or revoke any licences, permits or other authority granted prior to the commencement date in respect of any regulated activity, to the extent that it is inconsistent with this Act.

81. This Act shall come into force on such date as the Minister may appoint by Order published in the *Gazette*.

Commencement.

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