

The Gazette of Pakistan



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PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 26th January, 1984

No. F. 17 (1)/84-Pub.—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE No. IV OF 1984

AN

ORDINANCE

to provide for the regulation of nuclear safety and radiation protection in Pakistan

WHEREAS it is expedient to provide for the regulation of nuclear safety and radiation protection in Pakistan and for matters connected therewith or ancillary thereto :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan Nuclear Safety and Radiation Protection Ordinance, 1984.

(11)

Price : Ps. 60

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “atomic energy” has the same meaning as in the Pakistan Atomic Energy Commission Ordinance, 1965 (XVII of 1965), and includes X-rays;
- (b) “Chairman” means the Chairman of the Commission;
- (c) “Commission” means the Pakistan Atomic Energy Commission established under the Pakistan Atomic Energy Commission Ordinance, 1965 (XVII of 1965);
- (d) “Inspector” means a person designated as such under sub-section (1) of section 7;
- (e) “ionizing radiation” means electromagnetic or particulate radiation capable of producing ions directly or indirectly in its passage through matter;
- (f) “Licence” means a licence issued under sub-section (1) of section 6;
- (g) “nuclear damage” means loss of life, any personal injury, or any loss of or damage to property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear substances, radioactive materials or radioactive products or wastes in, or of nuclear materials coming from, originating in, or sent to, a nuclear installation, or from the ionizing radiation emitted by any other source of radiation inside a nuclear installation or radiation apparatus;
- (h) “nuclear fuel” means any material which is capable of producing energy by a self-sustaining chain process of nuclear fission, nuclear fusion or other nuclear transmutation;
- (i) “nuclear incident” means any occurrence or series of occurrences having the same origin, which causes nuclear damage;
- (j) “nuclear installation” includes—
- (i) any nuclear reactor used for the production of heat, power or isotopes for research or for any other purpose;
 - (ii) any facility using nuclear fuel for the production of nuclear material, or for the processing and enrichment of nuclear materials including the reprocessing of irradiated nuclear fuel; and
 - (iii) any facility where nuclear substance is stored, either permanently, temporarily or during transit;
- (k) “nuclear materials” means—
- (a) nuclear fuel, other than natural uranium and depleted uranium, and includes materials capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material; and

(b) radioactive products and wastes :

- (l) "nuclear substance" means any substance or nuclear material which the Commission determines as being a substance or material which may be used for production of or use in atomic energy or for research into matters connected therewith, and includes all substances obtained or obtainable from the soil or water by under-ground or surface working or from the atmosphere ;
- (m) "operator" relation to a nuclear installation means the person licensed under section 6 ;
- (n) "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency including the Commission, any state or any political subdivision or any political entity within a state, any foreign government or nation, or other entity, and includes any legal successor, representative, agent or agency of any of the aforesaid ;
- (o) "prescribed" means prescribed by regulations ;
- (p) "radiation accident" is an abnormal event leading to the loss of control over a radiation source which can directly or indirectly involve nuclear damage ;
- (q) "radiation apparatus" means any accelerator or any other equipment which emits ionizing radiation, including X-ray machines used for medical, surgical or dental diagnosis or treatment of human beings ;
- (r) "radioactive materials" includes nuclear fuel, nuclear materials and nuclear substances naturally occurrence or artificially produced, provided that the specific activity of the material is not less than 0.074 kbq/gm (0.002 microcuries per gram) ;
- (s) "regulations" means regulations made under section 8 ; and
- (t) "vehicle" means any ship, railway train, bus, automobile, truck, aircraft or any other means of transportation by sea, land or air.

3. Ordinance to override other laws.—This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

4. Powers of the Commission, etc.—(1) For the purpose of controlling, regulating and supervising all matters related to nuclear safety and radiation protection measures the Commission shall have the power to—

- (a) make and enforce such regulations, orders or codes of practice for nuclear safety and radiation protection as may in its opinion be necessary ;
- (b) plan, develop and execute comprehensive policies and programmes for the protection of life, health and property against the risks of ionizing radiation ;

- (c) control and regulate the radiation safety aspects of exploitation of radioactive ores and the production, import, export transport, possession, processing, reprocessing, use, sale, transfer, storage or disposal of nuclear substances and radioactive materials or any other prescribed substance or equipment used for production or application of nuclear energy ;
- (d) direct all Federal, Provincial, Local and other authorities to immediately enforce all necessary measures to mitigate the effects of nuclear incident or public health and environment ;
- (e) issue licences for the production, storage, disposal, trade in and use of nuclear substances and radioactive materials or any other prescribed substance or equipment used for production or application of nuclear energy ;
- (f) establish the extent of insurance to be carried by a licence against the risks of nuclear damage to the public ;
- (g) inspect all licensed installations to ensure that the regulations are being properly followed ;
- (h) advise Government departments, educational and research institutions, public or private industry and other undertakings on questions related to nuclear safety and radiation protection ; and
- (i) do all such other acts and things, including research and development, as may be necessary for giving effect to the provisions of this Ordinance.

(2) The Commission shall make all necessary organisational arrangements, including the establishment of a Directorate of Nuclear Safety and Radiation Protection, to execute, enforce and supervise nuclear safety and radiation protection measures under the powers conferred upon the Commission by or under this Ordinance.

(3) The Commission may, by general or special order in writing, direct that such of its powers under this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or such officers of the Commission as may be so specified.

(4) The Commission may, from time to time, appoint such Advisory Committees or other bodies as it may consider necessary for assisting the Commission in the performance of its functions generally, or for advising on or evaluating any particular radiation safety aspect under the provisions of this Ordinance.

(5) In the performance of its functions, the Commission shall be guided on questions of policy by the instructions, if any, given to it by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

5. Licence required for certain activities.—On or after such date as the Commission may, by notification in the official Gazette, appoint in this behalf, no person shall, unless he is exempted by the regulations or unless he is the holder of a licence issued by the Commission authorising him to do so,—

- (a) acquire, manufacture, construct, install or operate any nuclear installation or radiation apparatus ;

- (b) explore for, mine, mill, extract, use, sell, lease, buy transfer, transport, import, export, convert, enrich, process, reprocess, fabricate or dispose of any nuclear substance or nuclear material or other prescribed substances;
- (c) discharge radioactive waste;
- (d) cause a nuclear powered vehicle to enter Pakistan; or
- (e) manufacture, sell, distribute or otherwise dispose of food that has been treated or contaminated by ionizing radiation.

6. Licences.—(1) The Commission may, on application made to it accompanied by the prescribed fee, issue a licence authorising the carrying out of such activities as are specified in the licence for such period as may be so specified.

(2) The Commission may require an applicant to demonstrate by submitting the required information that the activity for which the licence is required would not be hazardous to public or the environment.

(3) The Commission may prescribe terms and conditions that may be attached to a licence including the condition to have and maintain financial protection for nuclear damage to cover public liability claims.

(4) The Commission may require the establishment of effective reporting procedures in respect of radiation accidents and ensure that the plans for mitigating the effects of nuclear incidents have been prepared.

7. Inspectors.—(1) The Commission may designate any person as an Inspector for the purposes of this Ordinance.

(2) An Inspector may—

- (a) enter, inspect and search any installation, place, vehicle or premises to verify that the provisions of this Ordinance and the regulations and the terms and conditions of a licence issued thereunder are being complied with;
- (b) examine records, carry out tests and investigations and obtain information for safety evaluation; and
- (c) direct such actions to be taken to protect the health and safety of public and the environment as may be specified in the regulation from time to time.

(3) If in the opinion of an Inspector a violation of the conditions of a licence has taken place in any premises, he may with the approval of the Commission, order work to be stopped in the said premises until he is satisfied that the risks to public and the operator holding the licence is not greater than that when the licence was granted.

8. Power to make regulations.—The Commission may, by notification in the official Gazette, make regulations—

- (a) for controlling, licensing and supervising the use and application of atomic energy and the activities referred to in section 5;

- (b) for prescribing the procedure to be followed for the issuance, amendment, renewal, suspension and revocation of a licence and the terms and conditions that may be attached to a licence;
- (c) for the general protection of the public and the environment from hazards associated with the activities referred to in section 5;
- (d) for providing for the protection of persons who, because of their work or professional activity, may come into contact with, or may be exposed to, nuclear substances, radioactive materials or other prescribed substances;
- (e) for establishing safety standards and codes;
- (f) for prescribing special precautions to be taken to protect nuclear substances, radioactive materials and other prescribed substances from being lost, stolen or destroyed or falling into the possession of unauthorised persons;
- (g) for prescribing the manner in which nuclear substances, radioactive materials and other prescribed substances are to be stored, packaged, handled and prepared for transportation;
- (h) for prescribing nuclear installations or classes of persons which or who are exempted from the application of section 5;
- (i) for prescribing the procedure to be followed for the distribution of compensation to victims of nuclear damage; and
- (j) generally for carrying out the purposes of this Ordinance.

9. **Offences, penalties and procedure.**—(1) Any person who contravenes, or fails to comply with, any provision of section 5 or the regulations or the conditions of a licence shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one hundred thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this Ordinance except upon complaint in writing made by a person authorised in writing in this behalf by the Commission.

CORRIGENDA

[to the Gazette of Pakistan, 1983, Extraordinary, Part I, dated the 31st December, 1983.]

Page 253 : In line 26, for "Designs Act," read "Designs Act, 1911"

.. 256 : In line 20, for "words", " read "words "

GENERAL
M. ZIA-UL-HAQ.
.....President

C. A. RAHMAN.
Secretary