

THE PROTECTION FROM RADIATION ACT, 1983

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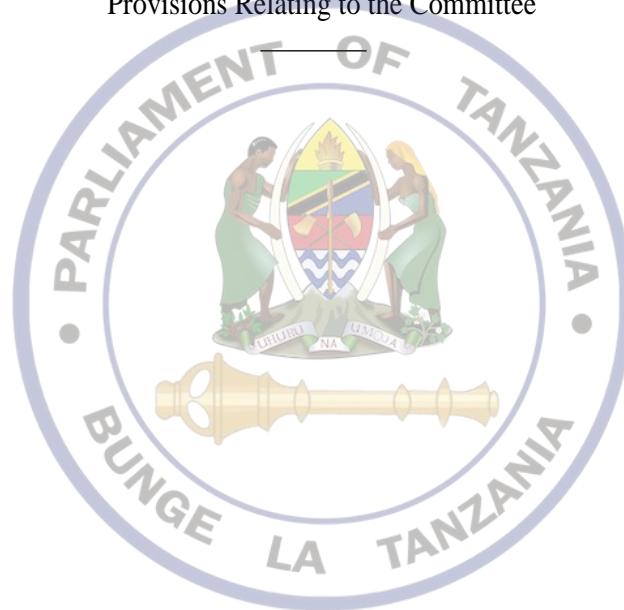
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THE UNITED REPUBLIC OF TANZANIA



No. 5 OF 1983

I ASSENT,

Julius K. Nyerere
.....
President

9TH May, 1983
.....

An Act to establish the National Radiation Commission and to provide for its functions in relation to the control of the use of radioactive material and for other matters connected with the protection of person from harm resulting from ionizing radiation

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Protection from Radiation Act, 1983, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and com-
mencement

2.-(1) In this Act unless the context requires otherwise-
"accident" means an Unforeseen event that causes damage to an apparatus or Installation or disrupts the normal operation of an apparatus or installation, and is likely to result for one or more persons in a dose exceeding the maximum permissible doses;

Interpretation

"approved medical practitioner" means a medical practitioner responsible, for the medical surveillance, of workers who are liable to receive a dose greater than three-tenths of the annual maximum permissible dose, Whose Capacity to act in this respect is recognized by the competent authority;

"article" include part of an article;

- "authorized officer" means an officer appointed or authorized to perform any functions in radiation to the enforcement of the provisions of this Act, and includes a police officer;
- "the Commission" means the National Radiation Commission established by section 5;
- "the Committee" means the Radiation Protection Committee established by section 31;
- "continuous exposure" means external exposure where the source of radiation subjects the body or the critical organ to prolonged exposure, although its intensity may vary with time, or internal exposure due to continuous intake, although its level may vary with time.
- "disease" includes injury and bodily or mental deficiency or abnormality;
- "disposal", in relation to waste, includes its removal, deposit or destruction, its discharge, whether into water or into air or into a sewer or drain or otherwise, or its burial, whether underground or otherwise, and "dispose or shall be construed accordingly".
- "exposure" means any exposure of persons to ionizing radiation-,
- "external" exposure means exposure resulting from sources outside the body;
- "facility" means any assembly of devices, equipment, structures or natural features, whether simple or complex, which serves some purpose or performs some function, in the course of which ionizing radiation is, or is capable of being created;
- "ionizing radiation" means electromagnetic or corpuscular radiation, consisting of photons or particles, capable of producing ions, directly or indirectly, in its passage through matter;
- "internal through matter; exposure" means exposure resulting from source inside the body;
- "licensee" means a person holding a licence granted under this Act, whether or not that licence remains in force;
- "Minister" means the Minister for the time being responsible for matters relating to radiation protection;
- "person using radiation" means person whose undertakings include the possession or ownership of plant, apparatus or installations the operation of which creates ionizing radiation-,
- "plant" includes any machinery, equipment or appliance, whether affixed to land or not, but does not include any thing comprised or to be comprised in any means of transport, whether by land, water or air;

- "premises" includes any land, whether built up or not, including any place underground and any land covered by water;
- "qualified experts" means persons having the knowledge and training needed to carry out physical or technical tests, or radiochemical tests, or to give advice in order to ensure effective protection of individuals and correct operation of protective installations, as the case may be, whose capacity to act as a qualified expert is recognized by the competent authority;
- "radiation protection staff" means any person appointed under section 34 to perform any duties relating to ensuring the protection of persons from harm resulting from ionizing radiation.
- "radioactive material" means any matter or substance containing one or more radionuclides the activity or concentration of which is sufficiently intense to entail a significant risk of disability or disease to any body or organ in exposure, whether external or internal, and whether continuous or total:
- "sealed source" means a source consisting of radioactive material firmly incorporated in solid and effectively inactive materials, or sealed in an inactive container of a strength sufficient to prevent, under normal conditions of use, any dispersion of radioactive material and any possibility of contamination-
- "single exposure" means external exposure where the source of radiation subjects the body or the critical organ to exposure of short duration, or internal exposure following the intake of radionuclides, over a short period;
- "source" means an apparatus or material capable of emitting ionizing radiation;
- "substance" means any natural or artificial material, whether in solid or liquid form, or in the form of a gas or vapour;
- "undertaking" includes any trade, business or profession, and, in relation to a public or local authority, includes any of the powers or duties of that authority, and, in relation to any other body of person, whether corporate or unincorporated, includes any of the activities of that body-
- "waste" includes substance which constitutes scrap material or an effluent or other unwanted surplus substance arising from the application of any process, and also includes any substance or article which requires to be disposed of as being broken, -worn out, contaminated or otherwise spoilt.

(2) In determining, for the purposes of this Act, whether any radioactive material is kept or used on any premises, no account shall be taken of any radioactive material kept or used in or on any vehicle, vessel or aircraft if either-

- (a) the vehicle, vessel or aircraft is on those premises in the course of journey-, or
- (b) in the case of a vessel which is on those premises otherwise than in the course of a journey, the material is used in propelling the vessel or is kept in or on the vessel for use in propelling it.

(3) Any substance or article which, in the course of the carrying on of any undertaking, is discharged, discarded or otherwise dealt with as if it were waste shall for the purposes of this Act, be presumed to be waste unless the contrary is proved.

(4) Any reference in this Act to be contamination of a substance or article shall be construed as a reference to its becoming radioactive or to possessing increased radioactivity as a result of its being so affected by either or both of the following, that is to say-

- (a) absorption, admixture or adhesion of radioactive material or radioactive waste; and
- (b) the emission of neutrons and other ionizing radiations.

Application

3. This Act shall apply throughout Mainland Tanzania in respect of all persons or body of persons whose undertakings involved or include the production, processing, handling, use, holding, storage, transport and disposal of natural and artificial radioactive material and in respect of any other activity which involves a risk of harm arising from ionizing radiation.

Exemptions

4.-(1) Nothing in this Act shall apply to any material or use of any material which contains radioactivity of less than 0.1 microcurie, or if there is no portion on it in which the concentration exceeds 0.002 microcuries, per gram of material-

(2) Save as is provided in this Act, the Minister may, upon the recommendation of the Commission, by order published in the *Gazette*, exempt from the operation of any of the provisions of this Act any person or body of person using any material which contains radioactive substances of less than the prescribed limits.

PART II

THE NATIONAL RADIATION COMMISSION

Establishment of the commission

5.-(1) There is hereby established a Commission which shall be known as 'the National Radiation Commission-

(2), The provisions of the First Schedule to this Act shall have effect as to the constitution and the procedure of the Commission, and to other matters in relation to it.

(3) Save for the provision relating to the appointment of the Chairman, the Minister may, by order published in the *Gazette*, amend, add to, vary, revoke or replace any of the Provisions of the First Schedule-

6.-(1) Where the President considers that the national 'interest requires that it is necessary that the better and more effective development of nuclear energy in Tanzania be conducted on a more permanent and co-ordinated basis, he may, by order published in *the Gazette*, declare the Commission to be a public corporation.

President
may declare
a body
corporate

(2) Where the President makes an order under subsection (1), the Commission shall become a body corporate, and the provisions of the Public Corporations Act, 1969, shall apply to the Commission, without prejudice to the provisions of this Act.

Acts, 1969
No. 17

7.-(7) The functions of the Commission shall be-

Functions
of the
Commission

- (a) to be responsible for all matters relating 'to the use of atomic energy and other radioactive materials and substances, with a view to ensuring the protection of workers. students and the public generally from harm resulting from ionizing radiation;
- (b) to advise or provide information to the Government on the proper use of ionizing radiation in the light of current available knowledge, its possible hazardous effects and the methods necessary for enhancing the protection of the public from it;
- (c) to formulate policy regarding the safe and peaceful use of atomic energy and other -radioactive materials and substances in factories mines, hospitals, and military and other establishments or undertakings;
- (d) in co-operation with any person or body of persons within or outside Tanzania, to carry out, sponsor or facilitate the carrying out of research for the purposes of ensuring the increased life. use of atomic energy in Tanzania;
- (e) to carry out, or promote the carrying out of, applied research designed to facilitate the evaluation, development and use of modern methods in the control or minimization of the effect of ionizing radiation on persons exposed to it;
- (f) to promote, or provide facilities for, the training of local personnel for carrying out research for the development in Tanzania of atomic energy for peaceful purposes:
- (g) to establish a system, upon advice by the Committee, for the dissemination of information relating to the peaceful and safe use of atomic energy in Tanzania-
- (h) to establish a system for the registration of, and to register the findings of researches carried out under this Act, and promote the, practical application of those findings for the purposes of improving or advancing the peaceful and more advantageous use of atomic energy in Tanzania and the more effectual protection of the public from ionizing radiation;

- (i) to formulate programmes for, and secure the adequate training of persons to become qualified experts, and other persons operating or required to operate apparatus involving the emission of ionizing radiation;
- (j) to establish and operate a system for the control of the importation, movement and use of radioactive plants, installations and materials;
- (k) to consider applications for and grant licences to persons intending to import or use atomic or other radioactive plants, installations or materials;
- (l) to maintain a register or registers of importers, users and operators, of nuclear or other radioactive plants, installations, apparatus or other radioactive materials.
- (m) to do anything or enter into any transaction which in the opinion of the Commission is calculated to facilitate the proper exercise of the functions of the Commission under this Act.

(2) For the purposes of carrying out its functions the Commission shall be deemed to be the holder of each and every licence, permit or other authority which may be required by or under this Act, in relation to any matter connected with the development and use in Tanzania of atomic energy for peaceful purposes.

(3) For the purposes of the better performance of its functions the Commission shall establish and maintain a system of consultation and co-operation with-

Acts, 1968
No. 51

Acts, 1979
No. 5
G.N. 1969
No. 140

Acts 1979
No. b

G.N. 1972
No. 163

Acts, 1974
No. 42
1979
No. 17

- (a) the Tanzania National Scientific Research Council established by the Tanzania National Scientific Research Council Act, 1968,
- (b) the National Chemical Industries;
- (c) the Tanzania Industrial Research and Development Organization established by the Tanzania industrial Research and Development Act, 1979.
- (d) The Tanzania Petroleum Development Corporation established by the Tanzania Petroleum Development Corporation (Establishment) order, 1969.
- (e) the National Institute for Medical Research established by the National institute for Medical Research Act, 1979;
- (f) the State Mining Corporation established by the State Mining Corporation (Establishment) Order, 1972;
- (g), the Central Water Board established by the Water Utilization (Control and Regulation) Act, 1974,
- (h) the Tanzania Karatasi Associated industries established by the Tanzania Karatasi Associated Industries (Establishment) Order, 1979,

and with any other person or body of persons established by or under any written law, whether or not 'in Tanzania, whose functions are related to those of the Commission or whose participation or collaboration in the work of the Commission or any of its programmes is

likely to advance the better and more effective furtherance of the objects and purposes of this Act and the enhancement of the health and welfare of the people of Tanzania.

8.(1) The Minister shall appoint a public officer who is a qualified expert to be the Registrar of the Commission.

Appointment and function of Registrar

(2) The Registrar shall be the chief executive officer of the Commission, shall perform the duties prescribed in relation to his office under this Act, and shall perform such other functions as may, from time to time, be specified by the Minister or the Commission.

9-(1) Until such time as, or unless, the President makes an order in pursuance of the provisions of section 6, the Tanzania National Scientific Research Council established by the Tanzania National Scientific Research Council Act, 1968, shall be the secretariat of the Commission for the purposes of this Act

The secretariat

Acts, 1968 No. 51

(2) For the purposes of this section, the public officer appointed to be the Registrar shall be also the chief executive officer of the Secretariat of the Commission.

PART III

CONTROL OF USE OF RADIOACTIVE MATERIAL

Prohibitions

10-(1) Except as provided otherwise in this Act, no person shall, on or after the appointed day, in pursuance of his undertaking use any radioactive material or other facility unless he is registered as such in accordance with the provisions of this Part.

Prohibition on use of radioactive material

(2) Any person who contravenes, fails or refuses to comply with the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both that fine and imprisonment and the court convicting him may, in any appropriate case, in addition to the fine or imprisonment imposed, make an order for the forfeiture of the radioactive material or other facility in question.

11-(1) Except as provided otherwise in this Act, no person shall on or after the appointed day, in the furtherance of his undertaking install any plant designed for-

Prohibition on installations of plants

- (a) the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons; or
- (b) the production or use of atomic energy; or
- (c) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionizing radiation, or
- (d) the accumulation, storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive material or waste which has been irradiated in the course of the production or use of nuclear fuel,

unless he is registered for that purpose in accordance with the provisions of this Part.

(2) For the purposes of this section, installation of a plant shall include the adaptation of any plant, facility, apparatus or any part of it in order to achieve any of the purposes or obtain any of the effects specified in subsection (1).

(3) Any person who contravenes, or willfully fails or refuses to comply with any of the provisions of this section is guilty of an offence and liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three years or to both that fine and imprisonment and the court convicting him may, in any appropriate case, in addition to the fine or imprisonment imposed, make an order for the forfeiture of the installation.

Prohibition
on importation
of nuclear
of installation

12.-(1) Except as provided otherwise in this Act, no person shall, after the appointed day, import or cause to be imported into Tanzania any installation, material, plant or other apparatus which is or is intended to be made into, a source of ionizing radiations, unless he has previously complied with the provisions of this Part which relate to importers and the importation of nuclear installations.

(2) For the purposes of this section the importation of an article, substance, material or part of an apparatus which, on being incorporated into or fixed, attached or connected to any existing plant or installation, would result in making the plant or installation a source of ionizing radiation, shall be deemed to be importation of a nuclear installation.

(3) Any person who contravenes, or willfully fails or refuses to comply with, any of the provisions of this section is guilty of an offence and liable on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding five years or to both that fine and imprisonment, and the court convicting him may, in any appropriate case, in addition to the fine or imprisonment imposed, make an order for the forfeiture of the nuclear installation in question.

Prohibition
on operation
of installation

13.-(1) No person shall operate or hold himself out as qualified and capable of operating any apparatus, facility, plant or installation or any part of any apparatus, facility, plant or installation, which is or consists of, a source or sources of ionizing radiation unless he is a qualified expert and is duly registered as such in accordance with the provisions of this Part.

(2) No person using 'radiation shall employ, permit or otherwise cause any person who is not a qualified expert to operate any plant, installation or apparatus, or any part of it, which constitutes his undertaking.

(3) Any person who contravenes or fails to comply with any of the provisions of this section is guilty of an offence and liable on conviction to, a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years or to both that fine and imprisonment.

Provisions Relating to Licensing

14.-(1) Every person wishing to import, or whose business consists of the importation of, any apparatus, article, plant, installation or other material or substance which is a source or is intended to be used for the purposes of an undertaking involving the emission of ionizing radiation, shall do so only after securing a licence issued to him by the Commission under this section.

Licensing of
importers

(2) A licence may be issued under this section upon an application being made to the Commission in the prescribed form and payment of the prescribed fees.

(3) The licence issued under this section shall be in the prescribed form and shall contain such particulars in relation to the licensee and the article or other material to be imported as may be prescribed.

(4) In considering whether or not to grant a licence under this section, the Commission shall take into account the need for minimising the number of persons individually importing sources of ionizing radiation, and in the case of an applicant who is a person using radiation, whether he has fulfilled any requirements prescribed in respect of such persons by the Minister.

(5) The Commission may issue a licence under this section, subject to such conditions or limitations as it may deem fit or necessary to impose in any particular case.

15.-(1) Subject to subsection (4), every person using radiation shall, before doing so, secure a licence issued to him by the Commission under this section permitting him to do so.

Licensing of
users

(2) The provisions of section 14(2), (3) and (5) shall apply to applications for and the grant of licence under this section.

(3) Where immediately before the enactment of this Act a person is carrying on any undertaking which upon the commencement of this Act makes him a person using radiation, he shall within not more than three months from the appointed day apply for licence under this section.

(4) A licence shall not be granted under this section to any person other than a body of persons, corporate or unincorporated, and shall not be transferable.

16.-(1) This section shall apply to every person using radiation who is licensed for that purpose under this Part, and also to every person whose licence permits him to import in bulk sources of ionizing radiation for the purposes of installation for persons who are users of radiation.

Liability of
licensing

(2) Every licensee to whom this section applies shall be responsible for ensuring that no ionizing radiations, emitted as a result of the carrying on of his undertaking on his premises, cause any hurt to any

person or damage to any property which is on the premises or elsewhere, subject to subsection (4).

(3) No person other than the licensee to whom this section applies shall be under any liability in respect of any hurt to any person or any damage to any property caused by any ionizing radiations to which subsection (2) applies.

(4) No licensee shall incur any liability by virtue of subsection (3) in respect of any ionizing radiations-

- (a) whose emission, or the causing of any hurt to any person or any damage to any property by their emission, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Republic;
- (b) the hurt resulting from which is suffered by a patient undergoing treatment by exposure to radiation under the direction or supervision of an approved medical practitioner;

(5) Whenever a physical or mental disability occurs in a person, and which an approved medical practitioner-

- (a) ascribes to radiation exposure, the disability shall be presumed to have resulted from exposure to radiation from a source of strength sufficient to give rise to such disability;
- (b) ascribes to radiation as well as to other causes, the following factors shall be considered for the purposes of establishing the cause of the disability, namely:-
 - (i) if the disability is of a nature known to be capable of being caused, by either radiation or any other cause and it appears that the person may have been exposed to a source of radiation of a strength sufficient to have caused the disability, it shall be presumed that the disability, arose from one or more of such exposures if no record of personal exposures has been maintained to a standard approved by an appropriate radiation protection staff;
 - (ii) if the disability is of a nature known to be capable of arising from radiation and from any other possible cause, and there exists a personal radiation exposure record in respect of that person which indicates that there have occurred in relation to him exposures in excess of the recommended permissible levels, it shall be presumed that the disability occurred as a result of that radiation exposure;
 - (iii) if the disability is of a nature known to be capable of arising from radiation and from any other possible cause, and there exists a personal radiation exposure record in respect of that person which has been maintained to a standard approved by an appropriate radiation protection staff, it shall be presumed that the disability did not arise from radiation

exposure if the record indicates that the exposures have been within the permissible limits on all possible occasions of exposure.

117.-(1) Subject to the provisions of this Act, every licence issued under this Part may be modified in its terms, suspended or revoked.

Modification,
suspension
and revoca-
tion of
licences

(2) The Minister shall make regulations providing for the circumstances and occasion on which a licence may be modified, suspended or revoked, and for the consequences of each of those events.

Provisions Relating to Registration

18.-(1) The Registrar shall keep and maintain a register in the prescribed form in which he shall enter and maintain such particulars in of relation to licensed persons using radiation as the Minister may, upon the advice of the Commission, prescribe.

Registration
of users

(2) The Registrar shall, at least once in every calendar year, publish in the *Gazette* the particulars in respect of every person using radiation registered under this section.

(3) Where a licence granted to any person under this Part permitting him use radiation is revoked, the registration of that person shall be canceled from the register.

19.-(1) The Registrar shall keep and maintain a register of qualified experts operating apparatus, installations and plants in undertakings owned by persons using radiation.

Registration
of operators

(2) As soon as practicable after the Commission has accepted the application of any person for registration as a qualified expert under this section, the Registrar shall enter in the register in respect of that person such particulars as the Minister may by regulations prescribe.

(3) All changes in the particulars registered under subsection (2) shall be entered in the register by the Registrar.

(4) The Registrar may, with the general or specific approval of the Commission rectify any clerical errors in the register or other document containing extracts from the register.

(5) The Minister shall make regulations prescribing qualifications to be attained by any person in order to qualify for registration under this section, and for that purpose the Minister may provide for the passage of any qualifying tests or examinations by any person prior to applying for registration.

(6) The Regulations made under subsection (5) shall provide for the procedure to be followed by person applying for registration and by the Commission in considering their applications.

20.-(1) With effect from the appointed day no person shall-

- (a) keep, or cause or permit to be kept, mobile radioactive apparatus of any description for the purpose of its being used in the provision by him of services to which this section applies; or

Registration
of mobile
radioactive
apparatus

- (b) use, lend or let on hire, or cause or permit to be used, lent or let on hire, mobile radioactive apparatus of any description in the course of the provision by him of any such services,

unless he is registered under this section in respect of that apparatus or is exempted from registration under this section in respect of mobile radioactive apparatus of that description.

(2) This section shall apply to any services which consist of-

- (a) using mobile radioactive apparatus for testing, measuring or otherwise investigating any of the characteristics of substances or articles situated elsewhere than on premises occupied by the person providing the services, or
- (b) lending or letting on hire mobile radioactive apparatus for the purpose of its being so used.

(3) Every application for registration under this section shall be made to the Commission, specifying the mobile radioactive apparatus to which the application relates, and the nature of the services to which this section applies in the course of which the apparatus is to be used, lent or let on hire, and containing such other information as the Minister may, by regulations, prescribe.

(4) Where an application is made to the Commission for registration under this section in respect of any apparatus, the Commission may register the applicant in respect of that apparatus, either unconditionally or subject to such limitations or conditions as the Commission may see fit, or may refuse the application.

(5) Where the Commission has granted an application for the registration of any person under this section in respect of any mobile radioactive apparatus, the Registrar shall furnish him with a certificate containing all material particulars of the registration.

(6) The Commission shall cause to be kept and maintained a register of persons registered' under this section containing all the particulars of the registration.

Exemption
from
registration

21.(1) The Commission is hereby exempted from registration under section 20 in respect of any mobile radioactive apparatus of every description that may come into possession or under its control in the course of the performance of its functions.

(2) A person need not apply for registration as a person using radiation if the activities of his undertaking involve-

- (a) the use of radioactive substances whose quantities do not exceed a prescribed total of radionuclides in relation to any given authority;
- (b) the use of radioactive substances of a concentration of less than 0.002 YCi g^{-1} , the limit being increased to 0.005 YCi g^{-1} for sold natural radioactive substances;

- (c) the use of navigation instruments or timepieces containing radio-luminescent paint, but not their manufacture or repair except as provided for in paragraph (a).
- (d) apparatus emitting ionizing radiations and containing radioactive substances in amounts greater than the values specified in paragraph (a), provided that:
 - (i) it is of a type approved by the competent authority;
 - (ii) it possesses advantages in relation to the potential hazard that, in the opinion of the competent authority, justify its use;
 - (iii) it is constructed in the form of sealed sources ensuring effective protection against any contact with the radioactive substances and against any leakage of them, and
 - (iv) it does not cause at any point situated at a distance of 0.1 m from the accessible surface of the apparatus and under normal operating conditions, a dose rate exceeding 0.1 m rem h⁻¹;
- (e) Apparatus other than television receivers emitting ionizing radiation but not containing any radioactive substances, provided that:
 - (i) it is of a type approved by the competent authority;
 - (ii) it possesses advantages in relation to the potential hazard that, in the opinion of the competent authority, justify its use; and
 - (iii) it does not cause at any point situated at a distance of 0.1 m from the accessible surface of the apparatus and under normal operating conditions, a dose rate exceeding 0.1 m rem h⁻¹;
- (f) television receivers which do not cause, at any point situated at a distance of 0.05 m from the accessible surface of the receiver a dose rate exceeding 0.5 m rem h⁻¹

(3) The Minister may, upon the advice of the Commission, by order Published in the *Gazette*, grant further exemptions from registration under this Part, by reference to such categories of persons, and such descriptions of radioactive substances and, mobile radioactive apparatus, as he may specify in the order.

(4) Any exemption granted under this section, may be granted or confirmed subject to such limitations or conditions as may be, specified by the Minister,

22.-(1) Where any person is for the time being registered under this Part for the purposes of this Act, the Commission may at any time cancel the registration or may vary it--

- (a) where the registration has effect without limitations or conditions, by attaching limitations or conditions to it;

Cancellation
and variation
of registra-
tion

(b) where the registration has effect subject to limitations or condition, by revoking, or, varying any of those limitations or conditions' or by attaching further limitations or conditions to it.

(2) The Commission, shall, on canceling or varying a registration under this section, give notice of that event to person to whom the registration relates.

(3) Any person aggrieved by the cancellation or variation of any registration in respect of him may appeal to the Minister whose decision on the appeal shall be final and not subject to review, appeal or any other proceeding before any court.

PART IV

MISCELLANEOUS PROVISIONS RELATING TO PROTECTION FROM RADIATIONS

Duty to
ensure safety

23. It shall be the duty of the Commission and of every person using radiation to ensure that provisions are made and systems of operations established whereby the health and person of workers, students and members of the public generally shall be secured against all foreseeable harm resulting from ionizing radiation.

24.-(1) Subject to the provisions of this section, with effect from the effective date, no person shall, except in accordance with an authorization granted in that behalf under this section, accumulate, with a view to subsequent disposal, any radioactive waste on any premises which are used for the purposes of an undertaking carried on by him, or cause or permit any radioactive waste to be so accumulated, if he knows or has reasonable grounds for believing it to be radioactive waste.

(2) Where the disposal of any radioactive waste has been authorized under section 25, and in accordance with that authorization the waste is required or permitted to be accumulated with a view to its subsequent disposal, no further authorization under this section shall be required to enable the waste to be accumulated in accordance with the authorization granted under section 25.

(3) For the purposes of this section, where radioactive material is produced, kept or used on any premises, and any substance arising from the production, keeping or use of that material is accumulated in a part of the premises appropriated for the purposes, and is retained there for a period of three or more months, that substance shall, unless the contrary is proved, be presumed-

(a) to be a radioactive waste, and

(b) to be accumulated on the premises with a view to its subsequent disposal.

Disposal of
radioactive
waste

25.-(1) Subject to the provisions of this section, as from the appointed day, no person shall, except in accordance with an authorization granted in that behalf under this section, dispose of any radioactive

waste on or from any premises which are used for the purposes of an undertaking carried on by him, or cause or permit any radioactive waste to be so disposed of, if he knows or has reasonable grounds for believing it to be radioactive waste.

(2) Where any person keeps any mobile radioactive apparatus for the purpose of its being used in the provision by him of services to which, section 20 of this Act applies, he shall not, on or after the appointed day, dispose of any radioactive waste arising from any such apparatus so kept by him, or cause or permit any such radioactive waste to be disposed of, except in accordance with an authorisation granted in that behalf under this subsection.

(3) Where on or after the appointed day any person, in the course of carrying on by him of an undertaking, receives any radioactive waste for the purpose of its being disposed of by him, he shall not, except in accordance with an authorization granted in that behalf under this section, dispose of that waste, or cause or permit it to be disposed of, knowing or having reasonable grounds for believing it to be radioactive waste, subject to subsection (4).

(4) The disposal of any radioactive waste shall not require an authorisation under subsection (3), if it is waste which falls within the provisions of an authorization granted under circumstances described in subsection (1) or (2) of this section.

26.-(1) The power to grant authorizations under section 25 in respect of the disposal of radioactive waste on or from any premises used for any undertaking by any person using radiation shall be exercised by the Commission, with the consent of the Minister; and the disposal of radioactive waste on or from any such premises shall not be treated as authorized under that section unless it is so authorized with the consent of the Minister.

Authorization
of accumula-
tion and
disposal

(2) Before granting his consent to a proposal by the Commission to grant an authorisation to which section 25 relates, the Minister shall consult with such local authorities, water utilisation authorities, statutory water undertakers, river basin authorities or other public or other authorities as appear to him to proper to be consulted.

(3) An authorization under section 24 or 25 may be granted either in respect of radioactive waste generally or in respect of such one or more descriptions of radioactive waste as may be specified in the authorization; and any such authorization may be granted subject to such limitations or conditions as the Minister may, on granting consent, authorize the Commission to impose.

(4) Upon the grant by the Commission of an authorisation, the Registrar shall-

- (a) furnish the person to whom the authorisation is granted with a certificate containing all material particulars of the authorisation; and

(b) shall unless, for reasons of national security, it is in the opinion of the Minister necessary that knowledge of the authorization be restricted, send a copy of the certificate to local authority in whose area the radioactive waste is to be disposed of or accumulated, and to any other public or local authority consulted in relation to the application for the grant of the authorization.

(5) The Commission may at any time dither of its own motion and with the consent of the Minister, or on the direction of the Minister, revoke any authorization granted by it, or may vary it-

(a), where the authorization has effect without limitations or conditions, by attaching limitations or conditions to It;

(b) where the authorization has effect subject to limitations or conditions, by revoking or varying any of those limitations or conditions, or by attaching further limitations or conditions to it.

(6) Upon the revocation or variation of an authorization, the Commission shall give notice of it to the person to whom the authorization was granted, and, if a copy of the certificate of authorization was sent to any local authority, shall send a copy of the notice to that authority.

Additional facilities for disposal and accumulation of radioactive waste

27.-(1), If it appears to the Commission that adequate facilities do not exist or are not available for the safe disposal or accumulation of radioactive waste the Commission may, after consultation with the Minister, arrange, for the provision of such facilities by such persons as it may deem fit.

(2) Where, in the exercise of the power conferred by subsection (1), the Commission proposes to arrange for the provision of a place for the disposal or accumulation of radioactive waste, it shall, before carrying out the proposal, consult with any local authority in whose area of jurisdiction the place would be situated, and with such other public or local authorities as appear to the Commission to be proper to as it may deem fit.

(3) The Commission may, after consultation with the Minister, make reasonable charges for the use of any facilities provided in, accordance with arrangements made by it.

(4) If there is radioactive waste on any premises and the Commission is satisfied that-

(a) the waste ought to be disposed of; but

(b) by reason of the premises being unoccupied, or the occupier being absent or insolvent, or for any other reason, it is unlikely that the waste will be lawfully disposed of unless the Commission exercise its, powers under this subsection.

the Commission may dispose of that radioactive waste as it deems fit, and shall recover from the occupier of the premises, or if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred by the Commission in disposing of it.

28.-(1) The Minister, after consultation with the Commission, and with the approval by resolution of the National Assembly, make provisions, requiring persons or categories of persons using radiation to make provisions either by insurance or by such other means as may be specified, for the Purposes of making available at all time funds sufficient to cover any claims which may be established against those persons as licensee in respect of any hurt to any person or damage to any property caused by ionizing radiations emanating from the activities of their undertakings.

Provision
of cover for
licence's
liability

(2) provisions made under this section shall be published in the *Gazette*, and may provide for the imposition of penalty upon any person using radiation to whom the provisions apply who is proved to contravene or to fail to comply with them.

Accidents
connected
with radio-
active
apparatus

29.-(1) The Minister shall, upon the advice of the Commission make rules relating to the procedure and manner of dealing with the happening on, or in connection with the use of, any premises or an occurrence of any such class or description as may be prescribed.

(2) Without prejudice to the generality of the power conferred by subsection (1), the rules may include provisions regarding-

- (a) the reporting and the procedure for the reporting of occurrence,
- (b) the person or persons to whom the report is to be made;
- (c) consequences on any person of not reporting the occurrence;
- (d) the inspection of the premises where the occurrence happens; and
- (e) matters connected with legal proceedings resulting from such occurrences.

(3) Reports of occurrences of the nature to be provided for in the rules shall, except where the Minister consider it in the interests of national security to restrict their publication, be made public in such manner and at such time as the Minister may prescribe.

30.-(1) For the purposes of this Act, any department of Government, public or statutory corporation, board, local government authority or other public authority, which for the purposes of furthering its functions uses or is required to use radiation shall comply with the provisions of this Act in the same manner and to the same extent as any other person using radiation, subject to subsection (2).

Liability of
public autho-
rities in
respect of
radioactive
apparatus
and installa-
tions

(2) Save as is otherwise provided in this Act, the Minister may make regulations for the purposes of facilitating the smooth compliance with the provisions of this Act by departments of Government, public or statutory corporations, boards, local government authorities and other public authorities which are or become persons using radiation.

PART V

THE RADIATION PROTECTION SERVICE

Establishment of the Protection Committee

31.-(1) There is hereby established a committee to be known as the Radiation Protection Advisory Committee.

(2) The provisions of the Second Schedule to this Act shall have effect as the composition, the procedure and other matters in relation to the protection committee.

Functions of the protection committee

32.-(1) The Radiation Protection Advisory Committee shall be the principal advisory and executive organ of the Commission for ensuring the establishment, maintenance and operation of a radiation protection service in Tanzania.

(2) without prejudice to the generality of subsection (1), for the purposes of the more effective performance of its functions, the Protection committee shall be responsible for advising the Commission on-

- (a) all matters referred to it by the Committee for its advice;
- (b) appropriate measures necessary to be taken by the Commission for ensuring the safety of workers, students, soldier and other members of the public in the use or disposal of radioactive waste or devices capable of producing ionizing radiation in dangerous amounts;
- (c) matters relating to the recruitment, employment and maintenance of a corps of radiation protection staff who are qualified and sufficient to effectively monitor and enforce compliance with the provisions of this Act by persons using radiation and by all other persons and bodies of persons to whom, or to whose undertakings, this Act applies;
- (d) all matters of a technical nature in respect of Which the Commission is required or permitted by the provisions of this Act to act or to advise or recommend upon to the Minister and other matters which the protection committee -is competent to advise upon.

(3) The protection Committee may, for the more effectual furtherance of the objects and provisions of this Act, after duly notifying the Commission, initiate studies, inquires or investigations concerning the safe use and disposal of radionuclides or devices producing ionizing radiation, and submit the results of such studies, enquiries or investigations to the Commission, together with-

- (a) recommendations on measures of a technical nature which ought to be taken
- (b) recommendations on any legal measures or provisions which ought to be taken or made by the Commission or the Minister*.
- (c) recommendations regarding the expenditure of funds, if necessary, for the purposes of carrying out the measures or other act recommended.

33.-(1) For the purposes of establishing, maintaining and operating a radiation protection service, the Committee shall, with the prior approval of the Commission, establish a system which will facilitate and ensure--

- (a) the determination of the extent of exposure to ionizing radiation of the public generally and, in particular, of students, military officers, and persons employed in research and teaching establishments, and in hospital and dental surgeries, and the degree of risk of disability ascribable to such exposure, subject to the provisions of this Act;
- (b) the examination, if deemed necessary by an appropriate radiation protection staff, of all premises in respect of which a licence to install or use apparatus emitting ionizing radiation is in force, and all places in respect of which registrations have been granted for the accumulation or disposal of radioactive waste;
- (c) the correct and accurate appraisal of the Commission on the extent of radiation exposures in Tanzania;
- (d) the proper and full collection and dissemination of information and advice to the public generally, and to licensees in particular, regarding measures necessary or desirable to be taken to reduce exposure to acceptable or prescribed limits.

(2) In addition to the provisions of subsection (1), the protection committee shall make arrangements to facilitate the establishment and maintenance of personal radiation dissymmetry service for the purposes of--

- (a) providing personal radiation measuring devices to be worn by individuals occupationally exposed to radiation;
- (b) providing a reporting service for the maintenance of adequate records of personal radiation exposure measurements, making it possible for it to report to the Commission and to licensees, at suitable intervals, on the information contained in the records; and
- (c) facilitating the provision of early or efficacious warnings to individuals who have been or are likely to be subject to overexposure.

(3) The personal radiation dissymmetry service provided for under subsection (2) may, at the discretion and direction of the Commission, be provided without charge or upon payment of such fees as may be determined by the Commission with the consent of the Minister or, subject to the directions of the Minister in that behalf, its use by any licensee may be included in any licence or certificate of registration as a condition subject to which the licence or registration is granted.

(4) The radiation protection service shall be under the charge and direction of a qualified expert appointed by the Commission from amongst the radiation protection staff, and shall be responsible to the protection committee in the protection of his functions.

34.-(1) Every person using radiation shall, after consultation with the Committee, appoint a qualified expert employed -by him to be a Safety Officer in relation to his undertaking.

(2) For the purposes of this section, where any undertaking consists of activities carried on in two or more different premises, and the carrying on of the activities in such premises involves the production of ionizing radiation, there shall be appointed a Safety Officer in respect of each such premises notwithstanding that the different premises are each a part of one undertaking belonging to one person using radiation.

(3) It shall be the duty of every Safety Officer appointed under this section,-

- (a) to advise the employer appointing him in relation to all matters pertaining to the protection of workers from radiation;
- (b) to advise the employer regarding the observance and enforcement of local rules for the protection of workers from radiation;
- (c) to advise and liaise with the Registrar regarding the implementation of radiation protection measures at his place of work;
- (d) to assist Radiation Protection Officers in the enforcement of the provisions of this Act in relation to the undertaking in respect of which he is appointed.

(4) Every Safety Officer appointed under this section shall be deemed to be a radiation protection staff.

(5) Notwithstanding any provision to the contrary in any written law, no act or thing done or omitted to be done by any Safety Officer, if done *bona fide* in furtherance of the provisions of this Act, make him personally liable to any proceeding or demand of any kind, nor to any disciplinary or other measure by or on behalf of his employer impinging upon the continuance, terms or conditions of his employment

Radiation
protection
staff

35.-(1) Until such time as the President makes an order conferring on the Commission the status of a body corporate, the Minister shall after consultation with the Minister for the time being responsible for manpower development and administration, and upon the advice of the Commission, make such arrangements as may be suitable for the appointment of a sufficient number of public officers to be members of the radiation protection staff, for the purposes of ensuring the proper and effective carrying into effect the provisions of this section.

(2) Every public officer appointed under subsection (1) shall be designated a radiation protection officer, in addition to the designation by which he is known in relation to the office he holds in connection with his full-time occupation in the public service.

(3) Where the President provides for the conference upon the Commission of the status of a body corporate, the Commission shall, subject to such other provisions as the President may have made in that behalf, be responsible for the appointment, from time to time, at such salaries and upon such terms and conditions as it may determine, such number of radiation protection staff and other employees of the Com-

mission as it may deem necessary for the proper and efficient conduct of the business and the activities of the Commission and the protection committee.

(4) For the purposes of ensuring the smooth execution and administration of its business and that of the protection committee, the Commission may establish such system of designations and grading of radiation protection staff as it may deem fit or expedient.

(5) Upon the appointment of any public officer to be a radiation protection staff the Registrar shall furnish that officer with a certificate of appointment signed by the chairman of the Commission; and also an identification card signed by the Registrar for the purposes of authenticating the authority of such staff in the exercise of his functions should *such* occasion arise.

36. Every radiation protection staff, in the exercise of his functions under this Act, have power to-

Power of
radiation
protection
staff

- (a) make such examination and inquiries as may be necessary to ascertain that the provisions of this Act are being complied with;
- (b) examine, either alone or in the company of any other person whose presence he deems necessary, any person with respect to any matter connected with the enforcement of this Act, or require *such* person to be so examined;
- (c) where the radiation protection staff is an approved medical practitioner, carry on such medical or other examination as may be necessary in the discharge of the duties imposed on him by or under this Act,
- (d) do such other act or thing necessary, expedient or desirable for the effective carrying into effect the provisions of this Act.

37.-(1) Subject to the provisions of this Act, and of any other written law, if any radiation protection staff or other authorized person reasonably suspects that any provision of this Act or regulation rule, direction or other provision made or issued under this Act is being, has been or is about to be contravened by any person, in any premises, vehicle, vessel or aircraft he may-

Right to
enter and
inspect, etc.

- (a) enter the premises, or stop and enter any vehicle, vessel or aircraft, or any part of any of them for the purposes of stopping or preventing the contravention or ascertaining whether in fact a contravention is occurring or has occurred and take appropriate measures-,
- (b) upon such entry, require the production of any licence or certificate authorizing the use, -installation or transportation of any source or sources concerned, and any register, notice, book or other document kept, or required to be kept by the licensee in pursuance of this Act or any regulations, rules, directions or other provisions made or issued under it.

(2) Every owner or occupier, and every agent or employee of the owner or occupier of any premises, vehicle, vessel or aircraft in or on which there is any source, or any radioactive apparatus, material or waste is installed, accumulated, disposed of or being transported, shall upon demand by a radiation protection staff in accordance with sub-section (1). furnish the means required or necessary to facilitate the entry, inspection examination, enquiry, the taking of samples and any other act in the furtherance of the provisions of this section.

Radiation
Protection
Fund

38.-(1) There is hereby established a fund to be known as the National Radiation Protection Fund.

(2) The National Radiation Protection Fund shall consist of-

- (a) such sums as may be provided by Parliament, by way of appropriation grant or loan, for the purposes of the Commission;
- (b) such sums accruing by way of donations, grants, bequests or loans as the Commission may from time to time receive from any person or organization;
- (c) such sums accruing to the Commission by way of fees or other payments charge in respect of any services rendered by the Commission at which for which fees may be charged; under this Act;
- (d) such other sums or property which may vest in the Commission under this Act or any other written law or which may vest in the Commission in any other manner in the performance of its functions.

(3) The National Radiation Protection Fund shall be applied for meeting the expenses of the Secretariat of the Commission and for the purposes for which the Commission is established by this Act.

(4) The Fund shall be managed and controlled by the Registrar, who shall for that purpose be answerable to the Commission, subject to sub-section (5).

(5) The Minister may from time to time issue directives in writing, regulating the use of the Fund, and shall, after consultation with the Minister, for the time being responsible for finance, make Rules providing for the management of the Fund and for the audit of the accounts of the Fund.

Confidentiality
and
custody of
information

39.-(1) Every member of the Commission, every member of the protection committee, the Registrar and every radiation protection staff, performing any functions arising from the provisions of this Act shall treat as confidential the course of any complaint whereby he becomes aware of, any contravention or imminent contravention of any of the provisions of this Act, and shall not give any notice or other kind of intimation to any person using radiation that a visit or inspection is to be made in consequence of any such complaint or information received.

(2) Every person employed under this Act or otherwise engaged in the furtherance of the administration of its provisions, shall treat as confidential and secret any information which comes to his knowledge

in the course of the performance of his functions, and which is of a type ordinarily considered as being, subject to professional commercial, trade or industrial secrecy, the revelation of which is not necessary for implementation of the provision of this Act.

(3) The provisions of this section shall remain in force in respect of all persons to whom they relate, whether or not any such person has ceased to be engaged or employed in the furtherance of the administration of the provisions of this Act.

PART VI

MISCELLANEOUS PROVISIONS

40.-(1) The Minister may, on his own motion or upon the recommendation or advice by the Commission, make regulations for the better carrying out of the objects and provisions of this Act. Regulation

(2) Without prejudice to the generality of the power conferred by subsection , the Minister may make regulations-

- (a) providing for the conduct of the business of the Commission and the protection committee, subject to the other provisions of this Act;
- (b) providing for the appointment by the Commission of committees of the Commission to which persons who are not members of the Commission may be co-opted;
- (c) providing further for the duties of the Registrar;
- (d) prescribing forms, certificates, procedures, fees and other matters, in relation to licences, registration and authorizations provided for under this Act;
- (e) limiting the use of radioactive material, apparatus or equipment emitting dangerous ionizing radiation for any specified purpose including use for medical, dental or surgical purposes;
- (f) restricting exposure to radiations in the lowest possible level;
- (g) determining the highest permissible doses from and the concentration of radioactive materials;
- (h) designating any areas as controlled areas for the purposes of this Act, and provide for the labeling of such areas and radioactive materials;
- (i) requiring, and providing for systems for informing of workers on the dangers capable of resulting from ionizing radiations and on the necessary safety precautions;
- (j) providing for special medical check-ups of workers before and after commencing their occupation and in definite time intervals;
- (k) providing for the control and regulation of the purchase, sale and transfer of radioactive apparatus, materials or articles-

- (l) providing for the proper management control and administration of the radiation protection service and providing for and regulating discipline amongst the radiation protection staff,
- (m) providing for the formulation and establishment of a code of professional conduct for qualified experts and persons engaged in the operation of radioactive apparatus and installations;
- (n) prescribing anything which is required or permitted to be prescribed under this Act; and
- (o) providing for any other matter which, in the opinion of the Minister, it is necessary that it be provided for so as to ensure the efficient Performance of the functions of the Commission and, generally, the furtherance of the objects and provisions of Act.

(3) Regulations made under this section shall be published in the Gazette.

Offences

41.-(1) Any person who willfully destroys, damages or interferes in any way with any equipment, apparatus, instrument, plant or installation or any part of it, which is a source of ionizing radiation, in such manner as to cause the uncontrolled or unregulated emission of radiation which causes loss of the life, limb or property of any person As guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding five years or to both that fine and imprisonment.

(2) Any Person Who knowingly willfully and without any reasonable excuse-

- (a) fails or refuses to produce any register, licence, certificate, notice or other document required of him by a radiation protection staff in the performance of his functions under this Act;
- (d) in any other manner obstructs any radiation protection staff in to the owner, occupier or other person responsible for the management of any source.
- (c) conceals, prevents or attempts to prevent a person from appearing before or being examined by a radiation protection staff;
- (d) in any other manner obstructs any radiation protection staff in the course of performing functions under this Act; or
- (e) contravenes, fails or refuses to comply with any other provision of this Act in, relation to which contravention, failure or refusal no specific penalty is provided.

is guilty of an offence and liable on conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding four years, or to both that fine and imprisonment.

(3) Where any person is convicted of an offence under this section, the court convicting him may, in any appropriate case, in addition to any penalty that it shall impose. make an order for the forfeiture, im-

pounding destruction, incapacitation, sealing or disposal in any other manner of any radioactive material apparatus- substance or article in respect of which the offence in question may have been committed.

42-(1) In any proceeding for an offence or a suit claiming damages arising from or under this Act without prejudice to any requirement to comply with any special condition included in the licence, certificate, authorization or regulations, any evidence that the holder of a licence, certificate or authorization has complied with the radiation safety standard or recommendations Or Permissible radiation exposure published by the International Atomic Agency or by the International Commission on Radiological protection shall be prima facie evidence that the holder of such licence, Certificate, or authorization has complied with radiation safety standards with respect to the requirements of this Act.

(2) Any authenticated records of exposure measurements maintained in accordance with the provisions of this Act shall, unless the contrary is proved, be accepted by every court before which proceedings arising from this Act are conducted, as evidence establishing causes of disability.

FIRST SCHEDULE

(Section 5(2))

Provisions Relating- to the Commission:

1-(1) The Commission shall consist of-

- (a) a Chairman who shall be appointed as such by the President;
- (b) the Director-General of the Tanzania National Scientific Research Council
- (c) the Chief Government Chemist;
- (d) the Director of Preventive Services in the Ministry of Health;
- (e) the Director-General of the Muhimbili Medical Centre;
- (f) members appointed by the Minister. recommended to represent one each by-
 - (i) the ministry for the time being responsible for matters relating to raduc-tion Protection;
 - (ii) the Ministry for the time being responsible for labour matters;
 - (iii) the Ministry for the time being responsible for industries;
 - (iv) the Ministry for the time being responsible for trade;
 - (v) the Ministry for the time being responsible for communications -
 - (vi) the Ministry for the time being responsible for water resources; I
 - (vii) the Ministry for the time being responsible for agriculture;
 - (viii) the Ministry for the time being responsible for natural resources;
 - (ix) the Ministry for the being responsible for energy
 - (x) the Ministry for the time being responsible for works; -
 - (xi), the ministry for the time being responsible for national education;
- (g) a legally qualified Person holding office in the Tanzania Legal Corporation nomina-ted in that behalf by the Chief Corporation Council;
- (h) the Public officer-in-charge of the radiation Protection service;
- (i) three other persons appointed by the Minister.

(2) In making appointments of members of the Commission the Minister shall ensure that he appoint persons who, in his opinion, have the necessary experience or qualification to enable them to make a useful contribution to the deliberations of the Commission and to the effectual performance of its functions.

Vice-
Chairman

FIRST SCHEDULE-(contd.)

2. The members shall elect one of their number to be the Vice-Chairman shall, subject to his continuing to be Chairman a member, hold office for a term of one year from the date of his election, but shall be eligible for reelection.
3. A member appointed under paragraph 1(f), (g) and (i)-
- (a) shall, unless his appointment is sooner terminated by the Minister, or he ceases tenure of in any other way to be a member, hold office, for a period of three years but shall be eligible for re-appointment;
- (b) may at any time resign his office by giving notice in writing addressed to the Minister, and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the Minister, he shall cease to be a member.
- 4.-(1) The Commission shall ordinarily meet at such times and places as it deems necessary for the transaction of its business, but shall meet at least once in every three months.
- (2) The Chairman or, in his absence the Vice-Chairman may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members in office.
- (3) the Chairman or in his absences, the Vice-Chairman, shall preside at every meeting of the Commission. In the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.
5. The quorum at any meeting of the Commission shall be half of all the members in office.
- 6.(1) Subject to sub-paragraph(2), question proposed at a meeting of the Commission shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes then the person presiding; shall have casting vote an addition to his deliberative vote.
- (2) A decision may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Commission.
- 7.-(1) The Commission shall cause to be recorded and kept details of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be signed by the person presiding at that meeting.
- (2) Any minute; purporting to be signed by the person presiding at a meeting of the Commission shall, in the absence of proof of error, be deemed to a correct record of the meeting whose minutes they purport to be.
8. The validity of any act or proceeding of the Commission shall not be affected by any vacancy among its members whose minutes they purport to be.
9. Subject to the provisions of this Schedule, the Commission may regulate its own proceeding
10. Any document put porting to be. under the hand of the Registrar as to any resolution of the Commission or as having been issued on behalf of the Commission, shall be receivable in all courts or tribunals or other bodies authorized to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, to b.- sufficient evidence of what is contained in the document.

Meetings of
the Commis-
sion

Decision of
the Commis-
sion

Minutes of
meetings

Vacancies
etc., not to
invalidate
proceedings
Commission
may regulate
its own
proceedings
Proof Of
documents

SECOND SCHEDULE*Provisions Relating to the Committee*

1. The Committee shall consist of-
- (a) not more than four persons appointed by the Commission upon nomination by the Vice-Chancellor of the, University of Dar es Salaam, from among persons who are scientists, engineers or medical Practitioners;
 - (b) eight Persons appointed by the Commission from amongst persons; who are scientists, engineers, medical Practitioners or other Professional and technical fields, and who are serving in institutions or organizations Concerned with the use or handling of devices or materials which are source of ionizing radiation.
2. The Person who is for the time being responsible for the executive management and operation of the radiation Protection services shall be the Chairman of the Committee; and the members shall appoint one of the member to be the Vice-Chairman.
3. Subject to the Provisions of this Schedule, the provisions of the First Schedule relating to the Commission shall *mutatis mutandis* apply in relation to Other matters connected with the Committee.

Composition
of Committee

Passed in the National Assembly on the nineteenth day of April, 1983.

