

Tanzania

## Protection from Radiation Act Chapter 188

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# Tanzania

## Protection from Radiation Act

### Chapter 188

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*[G.N. No. 106 of 1983; Act No. 5 of 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 related to the protection of persons from harm resulting from ionising radiation.**

#### Part I – Preliminary provisions (ss. 1-4)

##### 1. Short title

This Act may be cited as the Protection from Radiation Act.

##### 2. Interpretation

(1) In this Act, unless the context otherwise requires—

"**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;

"**appointed day**" means the day upon which this Act comes into operation;

"**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 recognised by the competent authority;

"**article**" includes part of an article;

"**authorised officer**" means an officer appointed or authorised to perform any functions in relation to the enforcement of the provisions of this Act, and includes a police officer;

"**Commission**" means the National Radiation Commission established by section 5;

"**Committee**" means the Radiation Protection Advisory Committee established by section 31;

"**competent authority**" means the Commission;

"**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 of" shall be construed accordingly;

"**exposure**" means any exposure of persons to ionising 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 ionising radiation is, or is capable of being created;

"**Fund**" means the National Radiation Protection Fund;

"**internal through matter exposure**" means exposure resulting from source inside the body;

"**ionising radiation**" means electromagnetic or corpuscular radiation, consisting of photons or particles, capable of producing ions, directly or indirectly, in its passage through matter;

"**licensee**" means a person holding a licence granted under this Act, whether or not that licence remains in force;

"**Minister**" means the Minister responsible for matters relating to radiation protection;

"**person using radiation**" means a person whose undertakings include the possession or ownership of plant, apparatus or installations the operation of which creates ionising 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 of 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 expert**" means a person 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 recognised 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 ionising 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;

"**Registrar**" means the Registrar of the Commission appointed under section 8;

"**sealed source**" means a source consisting of radioactive material firmly incorporated in solid and effectively inactive materials, or sealed in an inactive container or 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 ionising 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 persons, 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 a 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 the contamination of a substance or article shall be construed as a reference to its becoming radioactive or 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 ionising radiations.

### 3. Application

This Act shall apply throughout 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 ionising radiation.

### 4. Exemptions

- (1) Nothing in this Act shall apply to any material or use of any material which contains radioactivity of less than 1 microcurie, or upon which there is no portion in which the concentration exceeds 0.002 microcuries per gram of material.
- (2) Except 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 persons using any material which contain radioactive substances of less than the prescribed limits.

## Part II – The National Radiation Commission (ss. 5-9)

### 5. Establishment of the Commission

- (1) There is 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) Except for the provisions 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. President may declare Commission a body corporate

- (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-ordinate basis, he may, by order published in the *Gazette*, declare the Commission to be a public corporation.
- (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 <sup>1</sup>, shall apply to the Commission, without prejudice to the provisions of this Act.

## 7. Functions of the Commission

- (1) The functions of the Commission shall be—
  - (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 ionising radiation;
  - (b) to advise or provide information to the Government on the proper use of ionising 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 minimisation of the effect of ionising 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 ionising 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 ionising 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; and

<sup>1</sup>

- (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 every licence, permit or other authority which may be required 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—
- (a) the Tanzania Commission for Science and Technology established by the Tanzania Commission for Science and Technology Act <sup>2</sup>;
  - (b) the National Chemical Industries;
  - (c) the Tanzania Industrial Research and Development Organisation established by the Tanzania Industrial Research and Development Act <sup>3</sup>;
  - (d) the Tanzania Petroleum Development Corporation established by the Tanzania Petroleum Development Corporation (Establishment) Order <sup>4</sup>;
  - (e) the National Institute for Medical Research established by the National Institute for Medical Research Act <sup>5</sup>;
  - (f) the State Mining Corporation established by the State Mining Corporation (Establishment) Order <sup>6</sup>;
  - (g) the Central Water Board established by the Water Utilisation (Control and Regulation) Act <sup>7</sup>; and
  - (h) the Tanzania Karatasi Associated industries established by the Tanzania Karatasi Associated Industries (Establishment) Order <sup>8</sup>,

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.

2

[Cap. 226](#)

3

[Cap. 159](#)

4

G.N. No. 140 of 1969

5

[Cap. 59](#)

6

G.N. No. 163 of 1972

7

[Cap. 331](#)

8

G.N. No. 17 of 1979

## 8. Appointment and functions of Registrar

- (1) The Minister shall appoint a public officer who is a qualified expert to be the Registrar of the Commission.
- (2) The Registrar shall be the chief executive officer of the Commission, and shall perform the duties prescribed in relation to his office under this Act, and such other functions as may be specified by the Minister or the Commission.

## 9. The Secretariat

- (1) Until such time as, or unless, the President makes an order in pursuance of the provisions of section 6, the Tanzania Commission for Science and Technology, shall be the secretariat of the Commission for the purposes of this Act.
- (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 (ss. 10-22)

### 10. Prohibition on use of radioactive material

- (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.
- (2) Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction is liable to a fine not exceeding shillings ten thousand or to imprisonment for a term not exceeding six months or to both.
- (3) The court convicting a person under subsection (2) 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. Prohibition on installation of plants

- (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—
  - (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;
  - (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 ionising 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 any of the provisions of this section commits an offence and upon conviction is liable to a fine not exceeding shillings fifty thousand or to imprisonment not exceeding three years or to both.
- (4) The court convicting a person under subsection (3) may, in any appropriate case, in addition to the fine or imprisonment imposed, make an order for the forfeiture of the installation.

## 12. Prohibition on importation of nuclear installations

- (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 ionising 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 ionising radiation, shall be deemed to be importation of a nuclear installation.
- (3) Any person who contravenes the provisions of this section commits an offence and upon conviction is liable to a fine not exceeding shillings one hundred thousand or to imprisonment for a term not exceeding five years or to both.
- (4) The court convicting a person under subsection (3) 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.

## 13. Prohibition on operation of installations

- (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 ionising 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 any of the provisions of this section commits an offence and upon conviction is liable to a fine not exceeding shillings ten thousand or to imprisonment for a term not exceeding five years or to both.

## 14. Licensing of importers

- (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 ionising radiation, shall do so only after securing a licence issued to him by the Commission under this section.
- (2) A licence may be issued 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, the Commission shall take into account the need for minimising the number of persons individually importing sources of ionising radiation, and in the case of an applicant who is a person using radiation, whether or not he has fulfilled any requirements prescribed in respect of such persons the Minister shall grant the licence.

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

## 15. Licensing of users

- (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.
- (2) The provisions of subsections (2), (3) and (5) of section 14 shall apply to application for and the grant of licences 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 a 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 unincorporate, and shall not be transferable.

## 16. Liability of licensee

- (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 ionising radiation for the purposes of sale to or installation for persons who are users of radiation.
- (2) Every licensee to whom this section applies shall be responsible for ensuring that no ionising 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 ionising radiation to which subsection (2) applies.
- (4) No licensee shall incur any liability by virtue of subsection (3) in respect of any ionising radiation—
  - (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.

## 17. Modification, suspension and revocation of licences

- (1) Subject to the provisions of this Act, every licence issued under this Part may be modified in its terms, suspended or revoked.
- (2) The Minister shall make regulations providing for the circumstance and occasion on which a licence may be modified, suspended or revoked, and for the consequences of each of those events.

## 18. Registration of users

- (1) The Registrar shall keep and maintain a register in the prescribed form in which he shall enter and maintain such particulars in relation to licensed persons using radiation as the Minister may, upon the advice of the Commission, prescribe.
- (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 to use radiation is revoked, the registration of that person shall be cancelled from the register.

## 19. Registration of operators

- (1) The Registrar shall keep and maintain a register of qualified experts operating apparatus, installations and plants in undertakings owned by persons using radiation.
- (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 persons applying for registration and by the Commission in considering their applications.

## 20. Registration of mobile radioactive apparatus

- (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

- (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 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.

## 21. Exemption from registration

- (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 control of the Commission in the course of the performance of Commission's 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 0.002YCig-1, the limit being increased to 0.01YCig-1 for solid natural radioactive substances;
- (c) the use of navigation instruments or time pieces containing radioluminescent paint, but not their manufacture or repair except as provided for in paragraph (a);
- (d) apparatus emitting ionising 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<sup>-1</sup>;
  - (e) apparatus other than television receivers emitting ionising 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<sup>-1</sup>; and
  - (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<sup>-1</sup>.
- (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. Cancellation and variation of registration

- (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;
  - (b) where the registration 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.
- (2) The Commission shall, on cancelling or varying a registration under this section, give notice of that event to the 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 – General provisions relating to protection from radiation (ss. 23-30)

### 23. Duty to ensure safety

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 ionising radiation.

### 24. Accumulation of radioactive waste

- (1) Subject to the provisions of this section, with effect from the effective date, no person shall, except in accordance with an authorisation 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 authorised under section 25, and the waste is required or permitted to be accumulated with a view to its subsequent disposal, no further authorisation under this section shall be required to enable the waste to be accumulated in accordance with the authorisation 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 to be—
  - (a) a radioactive waste; and
  - (b) accumulated on the premises with a view to its subsequent disposal.

## 25. Disposal of radioactive waste

- (1) Subject to the provisions of this section, as from the appointed day, no person shall, except in accordance with an authorisation granted in that behalf, 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 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 authorisation 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 authorisation granted under circumstances described in subsection (1) or (2) of this section.

## 26. Authorisation of accumulation and disposal

- (1) The power to grant authorisation 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 exercisable 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 authorised under that section unless it is so authorised with the consent of the Minister.
- (2) Before the Minister grants consent to a proposal by the Commission to grant an authorisation to which section 25 relates, the Minister shall consult with such local government authorities, water utilisation authorities, statutory water undertakers, river basin authorities or other public or other authorities as appear to him proper to be consulted.
- (3) An authorisation 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 authorisation; and any such authorisation may be granted subject to such limitations or conditions as the Minister may, on granting consent, authorise 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 authorisation be restricted, send a copy of the certificate to local government authority in whose area the radioactive waste is to be disposed of or accumulated, and to any other public or local government authority consulted in relation to the application for the grant of the authorisation.
- (5) The Commission may at any time either of its own motion and with the consent of the Minister, or on the direction of the Minister, revoke any authorisation granted by it, or may vary it—
  - (a) where the authorisation has effect without limitations or conditions, by attaching limitations or conditions to it;
  - (b) where the authorisation 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 authorisation, the Commission shall give notice of the revocation or variation to the person to whom the authorisation was granted, and, if a copy of the certificate of authorisation was sent to any local government authority, shall send a copy of the notice to that authority.

## 27. Additional facilities for disposal and accumulation of radioactive waste

- (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 government authority in whose area of jurisdiction the place would be situated, and with such other public or local government authorities as appear to the Commission to be proper.
- (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 the Commission.
- (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 exercises 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 the radioactive waste.

## 28. Provision of cover for licensee's liability

- (1) The Minister shall, 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 times, funds sufficient to cover any claims which may be established against those persons as licensees in respect of any hurt to any person or damage to any property caused by ionising radiations emanating from the activities of their undertakings.

- (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 fail to comply with the provisions.

### **29. Accidents connected with radioactive apparatus**

- (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 the 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 occurrence of the nature to be provided for in the rules shall, except where the Minister considers 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. Liability of public authorities in respect of radioactive apparatus and installations**

- (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).
- (2) Except as is otherwise provided in this Act, the Minister may make Regulations for the purposes of facilitating the 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 (ss. 31-39)**

### **31. Establishment of the Protection Committee**

- (1) There is 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 to the composition, the procedure and other matters in relation to the Committee.

### **32. Functions of the Committee**

- (1) The Radiation Protection Advisory shall be the principal advisory Committee 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 committee shall be responsible for advising the Commission on—
  - (a) all matters referred to it by the Committee for the Commission's advice;

- (b) appropriate measures necessary to be taken by the Commission for ensuring the safety of workers, students, soldiers and other members of the public in the use or disposal of radioactive waste or devices capable of producing ionising radiation in dangerous amounts;
  - (c) matters relating to the recruitment, employment and maintenance of 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; and
  - (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 Committee is competent to advise.
- (3) The Committee may, for the more effectual furtherance of the objects and provisions of this Act, after duly notifying the Commission, initiate studies, enquiries or investigations concerning the safe use and disposal of radionuclides or devices producing ionising 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; and
  - (c) recommendations regarding the expenditure of funds, if necessary, for the purposes of carrying out the measures or other act recommended.

### 33. Radiation protection service

- (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 ionising 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 ionising radiation is in force, and all places in respect of which registration has 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 Committee shall make arrangements to facilitate the establishment and maintenance of personal radiation dosimetry 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 dosimetry 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.

#### 34. Safety officers

- (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 ionising 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; and
  - (d) to assist radiation protection officers in the enforcement of the provisions of this Act in relation to the undertaking in respect of which such officers are 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, not to any disciplinary or other measure by or on behalf of his employer impinging upon the continuance, terms or conditions of his employment.

#### 35. Radiation protection staff

- (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 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 confers upon the Commission of a 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 the Commission may determine, such number of radiation protection staff and other employees of the Commission as the Commission may deem necessary for the proper and efficient conduct of the business and the activities of the Commission and the Committee.

- (4) For the purposes of ensuring the execution and administration of its business and that of the 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 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. Powers of radiation protection staff**

Every radiation protection staff, in the exercise of his functions under this Act, shall have power to—

- (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 or under this Act; and
- (d) do such other act or thing necessary, expedient or desirable for the effective carrying into effect the provisions of this Act.

### **37. Right to enter and inspect**

- (1) Subject to the provisions of this Act, and of any other written law, if any radiation protection staff or other authorised 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—
  - (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 authorising 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 subsection (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.

### **38. National Radiation Protection Fund**

- (1) There is established a fund to be known as the National Radiation Protection Fund.
- (2) The 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 receive from any person or organisation;

- (c) such sums accruing to the Commission by way of fees or other payments charged in respect of any services rendered by the Commission and for which fees may be charged under this Act; and
  - (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 Fund shall be applied for meeting the expenses of the Secretariat of the Commission and for the purposes for which the Commission is established.
  - (4) The Fund shall be managed and controlled by the Registrar, who shall for that purpose be answerable to the Commission, subject to subsection (5).
  - (5) The Minister may issue directives in writing, regulating the use of the Fund, and shall, after consultation with the Minister responsible for finance, make rules providing for the operation of the Fund and for the audit of the accounts of the Fund.

### 39. Confidentiality and custody of information

- (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 the implementation of the provisions 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 (ss. 40-42)

### 40. Regulations

- (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.
- (2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations—
  - (a) providing for the conduct of the business of the Commission and the 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 authorisations provided for under this Act;
  - (e) limiting the use of radioactive material, apparatus or equipment emitting dangerous ionising radiation for any specified purpose including use for medical, dental or surgical purposes;

- (f) restricting exposure to radiation 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 of informing workers on the dangers capable of resulting from ionising radiation and on the necessary safety precautions;
  - (j) providing for special medical check-ups of workers before and after commencing their occupations and in definite time intervals;
  - (k) providing for the control and regulations 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 this Act.
- (3) Regulations made under this section shall be published in the *Gazette*.

#### 41. Offences

- (1) Any person who wilfully 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 ionising 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 commits an offence and upon conviction is liable to a fine not exceeding shillings one hundred thousand or imprisonment for a term not exceeding five years or to both.
- (2) Any person who knowingly, wilfully 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;
  - (b) in any other manner, obstructs any radiation protection staff 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,
- commits an offence and upon conviction is liable to a fine not exceeding shillings seven thousand or to imprisonment for a term not exceeding four years, or to both.
- (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, impounding, 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. Evidence in legal proceedings

- (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, authorisation or regulations, any evidence that the holder of a licence, certificate or authorisation 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 authorisation 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. Composition of the Commission

- (1) The Commission shall consist of—
  - (a) a Chairman who shall be appointed by the President;
  - (b) the Director-General of the Tanzania Commission for Science and Technology;
  - (c) the Chief Government Chemist;
  - (d) the Director responsible of the 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 responsible for matters relating to radiation protection;
    - (ii) the Ministry responsible for labour matters;
    - (iii) the Ministry for the time being responsible for industries;
    - (iv) the Ministry responsible for trade;
    - (v) the Ministry responsible for communication;
    - (vi) the Ministry responsible for water resources;
    - (vii) the Ministry responsible for agriculture;
    - (viii) the Ministry responsible for natural resources;
    - (ix) the Ministry responsible for energy;
    - (x) the Ministry responsible for works; and
    - (xi) the Ministry responsible for education;
    - (xii) the Ministry responsible for defence;
    - (xiii) the Ministry responsible for minerals;

- (g) a legally qualified person holding office in the Tanzania Legal Corporation nominated in that behalf by the Chief Corporation Counsel;
  - (h) the public officer-in-charge of the radiation protection service;
  - (i) three other persons appointed by the Minister;
  - (j) the nominee of the Secretary-General of the Trade Unions;
  - (k) the Registrar of the National Radiation Commission.
- (2) In making appointments of members of the Commission, the Minister shall ensure that he appoints 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 the Commission's functions.

## 2. Vice-Chairman

The members shall elect one of their number to be the Vice-Chairman who shall subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.

## 3. A member appointed under subparagraphs (f), (g) and (i) of paragraph 1—

- (a) shall, unless his appointment is sooner terminated by the Minister, or he ceases tenure or 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. Meetings of the Commission

- (1) The Commission shall ordinarily meet at such time 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 absence the Vice-Chairman, shall preside at every meeting of the Commission, and 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. Quorum

The quorum at any meeting of the Commission shall be half of all the members in office.

## 6. Decision of the Commission

- (1) Subject to subparagraph (2), a 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 the person presiding shall have a casting vote in 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. Minutes of meetings**

- (1) The Commission shall cause to be recorded and kept details of all business conducted or transacted at its meeting, and the minutes of each meeting of the Board shall be signed by the person presiding at that meeting.
- (2) Any minutes 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 be a correct record of the meeting whose minutes they purport to be.

**8. Vacancies not to invalidate proceedings**

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. Commission may regulate its own proceedings**

Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

**10. Proof of documents**

Any document purporting 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 authorised to receive evidence and shall, unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.

## **Second Schedule (Section 31(2))**

### **Provisions relating to the Committee**

**1. Composition of Committee**

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; and
- (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 organisations concerned with the use or handling of devices or materials which are sources of ionising radiation.

**2. Chairman and Vice-Chairman**

A person who is 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 their number to be the Vice-Chairman.

**3. Application of First Schedule**

Subject to the provisions of this Schedule, the provisions of the First Schedule relating to the Commission shall apply *mutatis mutandis* in relation to other matters connected with the Committee.