

GOVERNMENT OF ZAMBIA

**ACT**

No. 19 of 2011

Date of Assent: 12th April, 2011

**An Act to amend the Ionising Radiation Protection Act,  
2005.**

[15th April, 2011

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Ionising Radiation Protection (Amendment) Act, 2011, and shall be read as one with the Ionising Radiation Protection Act, 2005, in this Act referred to as the principal Act.

Short title  
Act No. 16  
of 2005

2. Section *two* of the principal Act is amended by—

Amendment  
of section 2

(a) the insertion, in the appropriate place, of the following new definitions:

“licence” means an ionising radiation licence issued under section *twenty-two*; and

“licensee” means a holder of an ionising radiation licence; and

(b) the deletion of the definition “authorisation”.

3. The principal Act is amended by the repeal of Part IV and the substitution therefor of the following Part:

Repeal and  
replacement  
of Part IV

- (ii) a disability of a nature known to be caused either by ionising radiation or that can arise from other possible causes appears in the person for whom a personal exposure record has been maintained to a standard approved by the Board;

it shall be presumed that such disability occurred as a result of such radiation.

(7) A licensee shall, where the licensee intends to decommission an ionising radiation device, at least six months before decommissioning the device, inform the Executive Director of the impending decommissioning and seek the Board's approval concerning how the device will be stored in the interim period pending its final disposal.

(8) For the purposes of paragraph (a) of subsection (4), "authorised health practitioner" means a medical doctor, dental surgeon, radiographer or any other health professional as the Minister may prescribe.

Variation  
and  
amendment  
of licence

24. (1) A licensee may, at any time during the validity of the licence, apply to the Board for variation of the terms and conditions of the licence.

(2) The Board may amend a licence where—

- (a) the amendment is necessary for the protection and safety of the public, the workers or the environment;
- (b) some other person has succeeded to the interest in the licence by substituting the name of the licensee with the name of the successor; or
- (c) the name of the licensee has changed, by substituting the name so changed.

Transfer of  
licence

25. (1) A licence shall not be transferred to a third party without the prior approval of the Board.

(2) An application for approval to transfer a licence shall be made to the Board in the prescribed manner and form.

(3) The Board may, within thirty days of receipt of an application under subsection (2), approve or reject the application in accordance with this Act.

Surrender,  
suspension  
or  
cancellation  
of licence

26. (1) A licensee shall, where the licensee decides not to continue with the activity to which the licence relates, surrender the licence to the Board on such terms and subject to such conditions as the Board may determine.

(2) Subject to the other provisions of this Act, the Board may suspend or cancel a licence if the licensee— Enforcement  
notice

- (a) obtained the licence by fraud or deliberate or negligent submission of false information or statements;
- (b) transfers or otherwise assigns a licence without the prior approval of the Board;
- (c) contravenes this Act or any terms and conditions of the licence; or
- (d) fails, without reasonable cause, to comply with the terms and conditions of an enforcement notice issued under section *twenty-seven*.

(3) The Board shall, before suspending or cancelling a licence in accordance with subsection (2), give written notice to the licensee of its intention to suspend or cancel the licence and shall give the reasons for the intended suspension or cancellation and require the licensee to show cause, within a period of not more than thirty days, why the licence should not be suspended or cancelled.

(4) The Board shall not suspend or cancel a licence under this section if the licensee takes remedial measures to the satisfaction of the Board within the period of thirty days referred to in subsection (3).

(5) The Board shall, if a licensee who is notified under subsection (3) fails to show cause to the satisfaction of the Board, or does not take any remedial measures to the satisfaction of the Board, within the time specified in that subsection, suspend or cancel the licence, and issue the licensee with an order to that effect.

(6) Where a licence is suspended by the Board under this section, the licensee shall take such steps as the Board may direct to ensure that no radiation hazards occur during the period of suspension.

(7) A person who continues to permit the use of radioactive material or other source of harmful radiation while the licence is suspended commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

(8) The Board shall, where it cancels a licence under subsection (5), publish the order of cancellation in a daily newspaper of general circulation in Zambia.

Enforcement  
notice

**27.** (1) Where the Board has reasonable grounds to believe that a licensee has contravened or is likely to contravene any provision of this Act, or a directive issued by the Board in the performance of the Authority's functions under this Act or any other condition of the licence, the Board shall serve an enforcement notice on that licensee.

(2) An enforcement notice issued under subsection (1) shall

(a) state the contravention or the likely contravention of this Act, directive or any other condition of the licence and the matters constituting the contravention or making it likely that the contravention will arise;

(b) specify the steps that have to be taken to remedy the contravention or avoid contravention, as the case may be; and

(c) specify the effective date of the notice and the time limit within which the steps described under paragraph (b) must be taken.

(3) The Board, where it considers it necessary for the safety of the public or the workers—

(a) may require the suspension of any work with radioactive material or other source of harmful ionising radiation and its storage in a safe place or under conditions preventing contamination of the environment or exposure of the public or workers to potentially harmful radiation; and

(b) shall require the licensee to take such measures as are necessary to abate the adverse effects, if any, of the failure to comply with the conditions of the licence.

Register

**28.** The Board shall keep and maintain a register of all persons licensed under this Part, in which the Board shall enter such details and particulars as may be prescribed.

Appeal

**29.** (1) A person aggrieved with a decision of the Board under this Part may appeal to the Minister within thirty days of the decision.

(2) A person aggrieved with a decision of the Minister under subsection (1) may appeal to the High Court within thirty days of the decision.

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