

Atomic Energy Commission Act, 2000

ACT 588

ATOMIC ENERGY COMMISSION ACT, 2000

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ACT 588

ATOMIC ENERGY COMMISSION ACT, 20001

AN ACT to amend and consolidate the law relating to the establishment of the Atomic Energy Commission and for related matters.

1. The Act was assented to on 27th November, 2000 and notified in the *Gazette* 8th December, 2000.

*Establishment of Commission***1. Establishment of the Commission**

(1) There is hereby established a commission to be known as the Atomic Energy Commission.

(2) The Commission is a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name and subject to this Act, shall otherwise have all the attributes of a body corporate in respect of

- (a) the right to acquire and hold real or personal property for the purposes of the Commission,
- (b) the right to regulate its own procedure,
- (c) the investment of the funds of the Commission including the funds in a pension scheme instituted by the Commission for the benefit of its employees in addition to any other pension scheme under any other enactment, and
- (d) the obtaining of loans, subject to article 181 of the Constitution for the purposes of the Commission with the prior approval in writing of the Minister responsible for Finance.

(3) The governing body of the Commission is a Board consisting of

- (a) the chairman,
- (b) the Director-General of the Commission, and
- (c) five other members,

all of whom, other than the Director-General, shall be appointed by the President in accordance with article 70 of the Constitution.

(4) A person shall not be appointed a member of the Board unless that person

- (a) is a citizen, and
- (b) has interest and experience in nuclear sciences and engineering or a reputable knowledge of nuclear and its related sciences.

2. Term of office of the members

(1) A member, other than the Director-General,

- (a) shall hold office for a term of five years, but is eligible for re-appointment;
- (b) may in writing addressed to the President through the Minister resign from office as a member.

(2) The office of a member who is absent without just cause from three consecutive meetings of the Commission shall become vacant.

(3) Where the office of a member becomes vacant pursuant to subsection (2), or by reason of death or resignation, the President shall, acting in consultation with the Council of State, appoint a person to fill the vacancy that is created.

(4) A member, other than the Director-General, shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

*Functions of the Commission***3. Functions of the Commission**

- (1) The functions of the Commission are,
- (a) to make proposals to the Government for legislation in the field of nuclear radiation and radio-active waste management;
 - (b) to advise the Government on questions relating to nuclear energy, science and technology;
 - (c) to establish, for the purposes of research and in furtherance of its functions, Institutes of the Commission and to exercise control over the boards of management of the Institutes;
 - (d) to encourage and promote the commercialisation of research and development results through its Institutes;
 - (e) to supervise the carrying out of all requirements designed to secure the safety and health of nuclear radiation workers and the environment;
 - (j) to engage in research and development activities, as well as in the publication and determination of research findings and other useful technical information;
 - (g) to oversee and facilitate the development of human resources in the fields of nuclear science and technology, and to promote the training of scientific, technical and non-scientific personnel of the Commission;
 - (h) to maintain relations with the International Atomic Energy Agency and other similar international and national organisations, and to collaborate and liaise with those organisations on matters of research and development of nuclear energy and nuclear technology;
 - (i) to collaborate with Universities and Research Institutes for the purposes of conducting research into matters connected with the peaceful uses of nuclear energy and technology; and
 - (j) to perform any other functions determined by the Government.
- (2) The Commission shall ensure that nuclear damage does not result from
- (a) anything on premises occupied by the Commission whether the damage is suffered on the premises or elsewhere,
 - (b) anything which is in the course of carriage on its behalf to or from the premises of the Commission, or
 - (c) waste discharged or released, in whatever form, on or from the premises of the Commission or any other place.
- (3) The liability of the Commission for nuclear damage under paragraph (b) of sub section (2) is subject to the terms of an agreement relating to the carriage.
- (4) A nuclear installation operated under the supervision of an Institute of the Commission shall be deemed for all purposes to be operated by the Commission on the premises of the Commission.

4. Committees of the Board

(1) The Board may appoint committees consisting of persons who are, or are not members of the Board, to perform a function of the Commission or Board assigned to the committee.

(2) Where a committee appointed under subsection (1) is composed of persons who are not members of the Board that committee shall only act in an advisory capacity.

5. Meetings of the Board

(1) The Board shall meet at least once every three months for the dispatch of business at the times and venues determined by the chairman.

(2) The chairman shall, at the request in writing of four members, call an extraordinary meeting.

(3) The chairman shall preside at meetings of the Board and in the absence of the chairman the members present shall elect one of their number to preside.

(4) The quorum at a meeting of the Board is four or a greater number determined by the Board in respect of an important matter or question relating to policy or finance.

(5) Subject to subsection (4) decisions at a meeting of the Board may be reached by a simple majority of the members present and voting, and where there is a tie of votes, the chairman or the person presiding shall have a casting vote.

(6) The Board may request the attendance of a person who is not a member to any of its meetings but that person shall not vote on a matter for decision before the meeting.

(7) The Deputy Director-General shall be in attendance at the meetings of the Commission.

(8) Subject to this section, the Board shall determine and regulate its own procedure.

(9) The Board may act despite a vacancy among its members or a defect in the appointment or qualification of a member.

Financial Provisions

6. Funds

The funds of the Commission include

(a) funds provided by Parliament for the Commission which are paid directly out of the Consolidated Fund or other moneys provided by Parliament out of any other public funds,

(b) a loan granted to the Commission by the Government or a banking institution or by any other person,

(c) moneys accruing to the Commission in the course of the performance of its functions, and

(d) donations and gifts made to the Commission.

7. Accounts and audit

(1) The Commission shall maintain proper books of account and other records in the form determined by the Auditor-General.

(2) The Commission shall, not later than three months after the end of the financial year, submit for audit to the Auditor-General, its books and records of account.

(3) The Auditor-General shall, not later than three months after the submission under subsection (2), audit the books and records of account of the Commission, and submit a copy of the report on the accounts to the Minister who shall lay the report before Parliament.

(4) The Auditor-General may, with the prior approval of the Minister, issue instructions regarding the conduct of the audit or conduct a supplementary audit.

(5) The financial year of the Commission shall be the same as the financial year of the Government.

8. Annual reports

(1) The Board shall, not later than seven months after the end of the financial year, submit to the Minister an annual report on the activities of the Commission for that year which shall include the Auditor-General's report and the report of a supplementary audit.

(2) The Minister shall lay the annual report before Parliament.

Administration

9. Director-General

(1) A Director-General and a Deputy Director-General shall be appointed by the Commission in accordance with clause (3) of article 195 of the Constitution.

(2) The Director-General is, subject to the directions of the Board on matters of policy, the chief executive officer of the Commission and shall perform any other functions as directed, and in particular, the Director-General shall be responsible for the effective co-ordination of research, scientific and technical matters of the Commission.

(3) The Deputy Director-General shall perform the functions assigned by the Director-General.

10. Other staff

(1) A secretary to the Commission shall be appointed by the Commission in accordance with clause (3) of article 195 of the Constitution.

(2) The Commission may employ any other officers and employees necessary for the proper and efficient performance of its functions.

(3) The terms and conditions of service of a person employed by the Commission shall be as approved by the Commission.

(4) An employee of the Commission established under the Atomic Energy Commission Act, 1963 (Act 204) shall, on the coming into operation of this Act, so far as may be practicable and subject to directions by the President, continue as an employee of the Commission in a post comparable to that which the employee held with the former Commission.

Miscellaneous Provisions

11. Institutes

(1) The Commission may set up Institutes that the Board considers necessary for the performance of the functions of the Commission.

(2) An Institute shall have a management board consisting of

(a) the chairman,

(b) the Director of the Institute, and

(c) five other members who are persons with the requisite knowledge or expertise in the matters for which the Institute is set up.

(3) The Director of an Institute is responsible for the scientific, technical and day to day administration of the Institute.

(4) Directors and Deputy Directors of Institutes shall be appointed by the Commission.

(5) ~ Director or a Deputy-Director shall hold office for a term as determined by the Commission.

12. Exemption from taxation

Subject to clause (2) of article 174 of the Constitution, the Minister responsible for Finance may, in writing, exempt the Commission from the payment of income tax and from other direct taxation.

13. Acquisition of land

(1) The Commission may, subject to article 20 of the Constitution, make recommendations to the Minister for the compulsory acquisition of land or any other property.

(2) Moneys due to a person by way of compensation for property acquired in pursuance of subsection (1) shall be paid out of the funds of the Commission.

14. Regulations

The Minister may, on the recommendations of the Commission, by legislative instrument, make Regulations for the purpose of

(a) securing the safe operation of a nuclear installation under the supervision of the Commission and by any other organisation;

(b) securing the safe transport of nuclear fuel, radio-active products or waste;

(c) regulating and controlling the collection, segregation, treatment, conditioning, storage and disposal of radio-active waste generated in facilities of the

Commission and in the mining, milling, gas production and other uses of radio-active materials and sources;

- (d) securing the maintenance of efficient systems for personnel and environmental monitoring and for medical surveillance and treatment of radiation related sickness;
- (e) harmonising the interests of state agencies concerned with the utilisation of radiation; and
- (f) ensuring that operations relating to irradiating devices and radio-active materials are carried out without risk to public health and safety and that devices, plants, installations and facilities are designed, constructed, calibrated and operated in accordance with standards prescribed by the Minister.

15. Interpretation

In this Act, unless the context otherwise requires,

"**Board**" means the governing body of the Commission; "

chairman" means the chairman of the Commission;

"**citizen**" means a citizen of Ghana;

"**Commission**" means the Commission established under section 1

"**financial year**" means in respect of the first financial year of the Commission, the period from the commencement of this Act to the end of the financial year as determined by the Government;

"**functions**" includes powers and duties;

"**Institute**" includes a Centre, Unit and a Project of the Commission;

"**member**" means a member of the Board;

"**Minister**" means the Minister responsible for Nuclear Energy;

"**nuclear installation**" means

- (a) an installation, other than a nuclear reactor installed in a means of transport as a source of power, which contains nuclear fuel so arranged that a self sustained chain process of nuclear fusion can occur in the installation without an additional source of neutrons;
- (b) any other installation in which nuclear fuel, other than natural or depleted uranium or a radio-active product or waste, is produced, used, processed or stored;

"**nuclear damage**" means the death of, or injury to, a person or loss of or damage to property which results from the radio-active properties, or from a combination of those properties with toxic, explosive or other hazardous properties, or nuclear fuel or radio-active products or waste;

"**nuclear energy**" means energy released during transformation of nuclide;

"nuclear fuel" means material which is capable of producing energy by a self sustaining process of nuclear fusion;

"radio-active product" means a material produced in, or a material made radio-active by exposure to the radiation incidental to, the process of producing or utilising nuclear fuel;

"University" includes the University of Ghana, the Kwame Nkrumah University of Science and Technology, the University of Cape Coast and any other University established by law;

"waste" means radio-active products that constitute scrap materials or an effluent or other unwanted surplus substance.

16. Repeal

*Spent*²

17. Transitional provisions

*Spent*³

2. The section provides that,

"(1) The Atomic Energy Commission Act, 1963 (Act 204), as amended by the Atomic Energy Commission Act, 1963 (Amendment) Decree, 1966 (N.L.C.D. 114), the Atomic Energy Commission (Amendment) Decree, 1974 (N.R.C.D. 296) and the Atomic Energy Commission (Amendment) Law, 1993 (P.N.D.C.L 308), is hereby repealed.

(2) Notwithstanding the repeal of the Act specified in subsection (1), subsidiary legislation made under that Act and in force on the coming into force of this Act shall continue in force until regulations are made under section 13."

3. The section provides that,

"(1) The assets and liabilities of, and property vested in, the Commission established under the Atomic Energy Commission Act, 1963 (Act 204) immediately before the coming into force of this Act shall, without further assurance than this subsection, vest in the Commission; and accordingly proceedings taken by or against the former Commission may be continued by or against the Commission.

(2) A contract subsisting between the Commission established under the Atomic Energy Commission Act, 1963 (Act 204) and any other person in force immediately before the coming into force of this Act shall, subject to directions by the President, subsist between the Commission established under this Act and that other person."