

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2021 No. 46.

**ATOMIC ENERGY (SECURITY OF RADIOACTIVE MATERIALS)
REGULATIONS, 2021**

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STATUTORY INSTRUMENTS

2021 No. 46.

Atomic Energy (Security of Radioactive Materials) Regulations, 2021

(Under section 73(1) of the Atomic Energy Act, 2008, Act No. 24 of 2008)

IN EXERCISE of the powers conferred upon the Council by section 73(1) of the Atomic Energy Act, 2008, these Regulations are made this 11th day of February, 2021.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Atomic Energy (Security of Radioactive Materials) Regulations, 2021.

2. Purpose

The purpose of these Regulations is to specify the requirements for security in the operation, production, processing, handling, usage, holding, storage, disposal and related activities involving radioactive materials and associated facilities.

3. Application

(1) These Regulations apply to all category 1, 2, 3 and 4 radioactive sources within Uganda.

(2) These Regulations do not apply to nuclear material, except for radioactive sources incorporating plutonium-239.

4. Interpretation

In these Regulations, unless the context otherwise require—

“Act” means the Atomic Energy Act, 2008;

“authorisation” means permission granted in writing by the Council to a person who has submitted an application to

carry out a practice, and may take the form of a certificate of registration, licence or permit granted by the Council under section 37 of the Act;

“authorised officer” means a person appointed by the Council under Section 12 of the Act to conduct any action or activity on behalf of the Council;

“authorised person” means a person issued an authorisation under section 37 of the Act;

“Council” means the Atomic Energy Council established under the Act;

“currency point” has the value assigned to it in Schedule 1;

“delay” means the element of a physical protection system designed to increase the time required for an adversary to gain unauthorised access to or to remove or sabotage a radioactive source, generally through barriers or other physical means;

“detection” means a process in a physical protection system that begins with sensing a potentially malicious or other unauthorised act and that is completed with the assessment of the cause of the alarm;

“graded approach” means the application of physical protection measures proportional to the consequences of a malicious act;

“licence” means an authorisation granted by the Council on the basis of a safety and security assessment and accompanied by specific requirements and conditions to be completed by the authorised person;

“management” means the administrative and operational activities that are involved in the manufacture, supply, receipt, possession, storage, use, transfer, import, export, transport, maintenance, recycling or disposal of radioactive sources;

“malicious act” means an act or attempt of unauthorised removal of a radioactive source or sabotage;

“nuclear material” means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; and any material containing one or more of the foregoing;

“nuclear security” means the prevention and detection of, and response to, theft, sabotage, unauthorised access, illegal transfer or other malicious acts involving radioactive material or their associated facilities;

“radioactive material” means any material together with its associated equipment designated in national law, regulation or by Council as being subject to regulatory control because of its radioactivity;

“Radiation Protection Officer” means a person appointed under section 19 of the Act;

“radioactive source or source” includes—

- (a) radioactive material that is permanently sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control; or

(b) radioactive material released if the radioactive source is leaking or broken,

but does not mean material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors;

“response” means the actions undertaken following detection to prevent an adversary from succeeding in the unauthorised removal or sabotage of a radioactive source or associated facility or to mitigate potentially severe consequences.

“sabotage” means any deliberate act directed against a radioactive source or associated facility or activity that could directly or indirectly endanger the health and safety of personnel, the public, or the environment by exposure to radiation or release of radioactive substances;

“safety” means measures intended to minimize the likelihood of accidents involving radioactive material and, should such an accident occur, to mitigate its consequences.

“security culture” means the assembly of characteristics, attitudes and behaviors of individuals, organizations and institutions which serve as means to support, enhance and sustain nuclear security.

“security contingency plan” means predefined sets of actions for response to unauthorised acts indicative of attempted unauthorised removal or sabotage, including threats thereof, designed to effectively counter such acts.

“security event” means an event that is assessed as having implications for nuclear security;

“security management” means measures addressing access control, trustworthiness, information protection, preparation of a security plan, training and qualification, accounting, inventory and security event reporting;

“storage” means the holding of radioactive sources in a facility that provides for their containment with the intention of retrieval;

“threat” means a person or group of persons with motivation, intention and capability to commit a malicious act;

“trustworthiness determination” means an assessment of an individual’s integrity, honesty and reliability in pre-employment checks and checks during employment that are intended to identify the motivation or behavior of persons who could become insiders;

“unauthorised removal” means the theft or other unlawful taking of radioactive sources.

5. Prohibition of activities without authorisation

The use or storage of radioactive sources under the jurisdiction of Uganda shall not be conducted without a licence issued and monitored in accordance with the Act and these Regulations.

6. Security for compliance

(1) The Council may, make such arrangements as appropriate to ensure a holder of a licence or an authorisation issued under the Act or these Regulations, complies with the Act and these Regulations, and may require guarantees in respect of that compliance.

(2) Subject to subregulation (1), the Council may suspend or cancel an authorisation issued under the Act or these Regulations, where the holder of an authorised person fails to provide the guarantees required.

7. Requirements of Regulations not subject to exemption by agreement

A person shall not be precluded or exempted by any agreement from doing any acts that may be necessary for complying with the provisions

of these Regulations, nor shall any person be exempted by or under any agreement from liability to any damages, penalty or forfeiture for not doing any such acts.

8. Compliance with other laws

Where any act is prohibited or otherwise regulated by any written law other than these Regulations, nothing in these Regulations shall be construed as authorising the holder of an authorisation issued under these Regulations to do any such act, otherwise than in accordance with that written law.

PART II—INSPECTION OF FACILITIES WITH RADIOACTIVE MATERIALS AND GENERAL REQUIREMENTS FOR SECURITY OF RADIOACTIVE MATERIALS

9. Powers of Council to inspect

- (1) The Council or an authorised officer, may at all reasonable times—
- (a) enter, inspect, and examine any land, location, area or place on which radioactive materials are being utilised, stored or mined;
 - (b) enter any structure, vehicle, vessel, aircraft or building that, in the Council’s or in his or her opinion, is being or has been or is to be used for or in connection with radioactive material;
 - (c) inspect and test any machinery, plant or equipment that is being used as part of, or to support the security of radioactive material; or
 - (e) inspect the storage of radioactive material and any associated facilities and equipment for purposes of verifying compliance with these Regulations; and
 - (f) exercise all powers necessary for carrying out of these Regulations.

(2) Where the Council or an authorised officer are inspecting the compliance of an authorisation, the authorised person shall permit Council or a person authorised by Council to immediately access the premises and facilities in which the radioactive sources are located in order to obtain information about the status of security and verify compliance with regulatory requirements.

(3) Subject to this regulation, an authorised person shall make available to the Council information and records regarding security of a radioactive source in their authorisation, where the Council deems it necessary.

10. Power to order remedy of dangerous or defective operations

(1) Where the Council finds any facility, machine, plant, thing, mine or practice involving radioactive material to be dangerous or defective, such that it shall—

- (a) threaten or cause injury or harm to any person;
- (b) cause pollution or contamination of the environment;
- (c) jeopardise the security of the radioactive material; or
- (d) jeopardise national security,

the Council shall give notice in writing to the authorised person concerned, or his or her agent in charge stating in the notice the particulars in respect of which the facility, machine, plant, thing, mine or practice is considered to be dangerous or defective, and may order work to be suspended until the danger or defect is remedied or removed to the Council's satisfaction.

(2) On receipt of the notice referred to in subregulation (1), the authorised person or his or her agent shall comply with the requirements of the notice or if the holder objects to the notice, he or she shall immediately state, his or her objection in writing to the Council who shall make a determination on the objection.

(3) Where a notice is given by Council and the authorised person objects to the Council under subregulation (2), the authorised person shall cease to operate the facility, mine or use the machine, plant, thing or practice to which the notice relates, and shall withdraw all workers from the danger indicated by Council until such time as the objection has been determined by Council.

(4) Notwithstanding subregulation (3), the authorised person shall maintain effective and sufficient security measures for the radioactive material under their custody.

(5) Notwithstanding subregulation (3), where the Council determines that there is no immediate danger, the Council may permit work schedule to proceed during the time that the objection is being determined, subject to such restrictions and upon such conditions to ensure safety as the authorised officer shall specify in writing.

11. Reporting of security events

In the event of any failure to comply with any applicable requirement of these Regulations or whenever a situation involving the loss of control of, unauthorised access to, actual or attempted theft or sabotage of a radioactive source has occurred, or is occurring, an authorised person shall—

- (a) report the incident to the Council within 24 hours;
- (b) take appropriate action to remedy the circumstances and to prevent a recurrence of similar situations;
- (c) internally investigate the failure and its causes, circumstances and consequences; and
- (d) within fifteen days, or as required, provide the Council with a report on the causes of the failure, the circumstances that led to the incident, consequences occurred, and the corrective or preventive actions taken or to be taken.

12. Enforcement

(1) The Council may revoke, suspend or modify a licence issued under the Act, or prohibit the use of or storage of a radioactive source, upon finding an authorised person to be non-compliant with the applicable regulatory requirements.

(2) In addition to powers exercised by the Council under subregulation (1), an authorised person responsible for a radioactive source who is non-compliant with the applicable regulatory requirements is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding 10 years, or both.

13. Responsibility of authorised person

(1) An authorised person shall undertake the primary responsibility for establishing and implementing the measures that are necessary for ensuring security of a radioactive source for which the authorised person is authorised, and for being compliant with all the applicable requirements prescribed under these Regulations.

(2) Notwithstanding subregulation (1), an authorised person may appoint an agent to carry out actions and tasks related to his or her responsibilities.

(3) Where an authorised person intends to introduce any modification to a facility or any activity affecting the security of a radioactive source for which the authorised person is authorised, the authorised person shall notify the Council of his or her intention.

(4) The modification notified to the Council under subregulation (3), shall not be carried out unless it is authorised by the Council.

14. Security culture and management systems

(1) An authorised person shall establish a management system, commensurate with the size and nature of the authorised activity.

- (2) The management system shall ensure that—
- (a) the policies and procedures that identify security as high priority under the system, are established;
 - (b) the problems affecting security are promptly identified and corrected in a manner commensurate with their importance;
 - (c) the responsibilities of each individual for security of the radioactive sources are clearly identified and that each individual is suitably trained and qualified; and
 - (d) there is appropriate flow of information and open lines of communication for purposes radioactive material security at the various levels of the organisation.

15. Qualifications and training

(1) An authorised person shall ensure that all personnel responsible for nuclear security are appropriately qualified and trained for purposes of carrying out their responsibilities in order to perform their duties with appropriate judgment and according to defined procedures.

(2) Subject to subregulation (1), the authorised person shall periodically re-train or improve the qualifications, as he or she may deem appropriate, for all the personnel responsible for security of radioactive materials.

(3) For the avoidance of doubt, every authorised person shall establish a training and re-training program to ensure that all personnel responsible for security of radioactive materials are trained and periodically retrained where applicable.

(4) The training programmes referred to in subregulation (3), shall be routinely evaluated and updated as the authorised person deems fit.

(5) All employees of the authorised person shall be trained annually on the importance of effective security measures and its implementation.

16. Quality assurance

An authorised person shall establish quality assurance programmes that ensure—

- (a) specific applicable requirements relating to security are satisfied;
- (b) that the components of the security system are of a quality sufficient for their tasks; and
- (c) quality control mechanisms and procedures for reviewing and assessing the overall effectiveness of security measures.

17. Transfer of radioactive sources

An authorised person shall not transfer any radioactive source to another party unless—

- (a) the Council has granted him or her authorisation to transfer the radioactive source;
- (b) the recipient possesses a valid licence for the source; and
- (c) the recipient is provided with all relevant technical information to permit the safe and secure management of the sources.

18. Export of category 1, 2, 3 or 4 radioactive sources

(1) An authorised person intending to export category 1, 2, 3 or 4 radioactive sources shall make an application for an export authorisation to the Council.

(2) Subject to subregulation (1), an application for an export authorisation shall include—

- (a) the name of the recipient;
- (b) the location, physical, postal and email address or the principal place of business of the recipient,
- (c) relevant radionuclides and radioactivity;
- (d) uses of the source, if appropriate;
- (e) recipient authorisation expiration date, where applicable.

(3) An application made under subregulation (1), shall be accompanied by—

- (a) a copy of the recipient authorisation to receive and possess the source to be exported; and
- (b) a copy of any relevant part of any contractual agreements to re-import the source; or
- (c) a justification or explanation of need to export the source.

(4) Where the Council is satisfied with the application, upon its examination, the Council shall grant an export authorisation to the applicant with or without conditions.

(5) An authorised person granted an export authorisation under subregulation (4), shall ensure that—

- (a) the export of the source is conducted in compliance with all applicable transport requirements prescribed under the Act or Regulations made under the Act; and
- (b) for cases of category 1 sources, where applicable, the notification prescribed under these Regulations shall be accompanied by a copy of the importing State's consent to import the sources.

19. Import of category 1, 2, 3 or 4 radioactive sources

(1) An authorised person intending to import category 1, 2, 3 or 4 radioactive sources shall make an application for an import authorisation to the Council.

(2) An application made under subregulation (1), shall include—

- (a) the name of the exporter;
- (b) the location, physical, postal and email address or the principal place of business of the exporter;
- (c) the name of the recipient;
- (d) the location, physical, postal and email address of principal place of business of the exporter;
- (e) relevant radionuclides and radioactivity;
- (f) the use of the source, where appropriate;
- (g) customs declaration form;
- (h) the value of import;
- (i) the details of the arrangements for the safe and secure management of the source, including financial provisions, where appropriate, once they have become disused, including copies of any contractual agreements; and
- (j) justification or explanation of any need to import the source.

(3) Where the Council is satisfied with the application, the Council shall grant an import authorisation to the applicant with or without conditions.

(4) An authorised person granted an import authorisation under subregulation (3), shall ensure that the import of the source is

conducted in compliance with all applicable transport requirements issued under the Act or Regulations made under the Act.

PART III—SPECIFIC REQUIREMENTS FOR SECURITY
OF RADIOACTIVE MATERIALS

20. Assignment of radioactive material to security levels

(1) A radioactive material or an aggregation of radioactive material, based on the potential harm that the radioactive material or an aggregation of radioactive material could cause if it were used in a malicious act, is assigned a security level as follows—

- (a) category 1 radioactive material is assigned to security level A;
- (b) category 2 radioactive material is assigned to security level B; and
- (c) category 3 and 4 radioactive materials are assigned to security level C.

(2) For the purpose of regulation 20(1), “security levels” means the stages of security measures which specify requirements for security system performance in a graded manner.

(3) Subject to subregulation (2), the grading of security levels is based on their specific security goals as follows—

- (a) security level A with a goal to prevent the unauthorised removal of radioactive sources;
- (b) security level B with a goal to minimize the likelihood of unauthorised removal of radioactive sources; and
- (c) security level C with a goal to reduce the likelihood of unauthorised removal of radioactive sources.

(4) Notwithstanding subregulation (1), the Council may determine additional requirements and specifications for operations of radioactive material in any category or security level.

21. Security requirements for radioactive sources in security level A

(1) Where an authorised person possesses, uses or stores radioactive materials of security level A, the authorised person shall implement, for the purpose of detection—

- (a) immediate detection of any unauthorised access to the secured area or source location by the use of an electronic intrusion detection system or continuous surveillance by authorised personnel;
- (b) immediate detection of any attempted unauthorised removal of the source by the use of electronic tamper detection equipment or continuous surveillance by operator personnel;
- (c) immediate assessment of detection by the use of remote monitoring of closed - circuit television or assessment by operator or response personnel;
- (d) detection personnel with appropriate and effective means of communication of detected incidents during duress or panic situations;
- (e) means to detect loss through verification by daily checking through physical checks, including closed - circuit television and tamper indicating devices;
- (f) a redundant back-up means of communication and power supply for the detection systems; and
- (g) sufficient distribution of lighting of the premises during dark hours to support detection and visual assessment of alarms.

(2) Notwithstanding subregulation (1), an authorised person shall, establish delay after detection measures sufficient for response personnel to interrupt the unauthorised removal, through a system of

at least two layers of barriers which together provide delay sufficient to enable response personnel to interdict.

(3) Subject to subregulation (1), an authorised person shall implement, for the purpose of response—

- (a) immediate communication to response personnel through rapid dependable, diverse means of communication; and
- (b) immediate response with sufficient resources to interrupt and defeat the adversary through arrangements with a designated response force including provision for sufficient personnel, equipment, and training, documented in a response plan.

22. Security requirements for radioactive sources in security level B

(1) Where an authorised person possesses, uses or stores radioactive materials of security level B, the authorised person shall implement, for the purpose of detection—

- (a) immediate detection of any unauthorised access to the secured area or source location by the use of an electronic intrusion detection system or continuous surveillance;
- (b) immediate detection of any attempted unauthorised removal of the source by the use of electronic tamper detection equipment or continuous surveillance by operator personnel;
- (c) immediate assessment of detection by use of appropriate means; and
- (d) means to detect loss through verification by daily checking through physical checks and other appropriate means.

(2) Notwithstanding subregulation (1), an authorised person shall, establish delay after detection measures sufficient for response

personnel to interrupt the unauthorised removal, through a system of at least two layers of barriers which together provide sufficient delay to enable response personnel to interdict.

(3) Subject to subregulation (1), an authorised person shall provide to the Council for the purpose of response—

- (a) immediate communication to response personnel through rapid, dependable, diverse means of communication;
- (b) immediate response with sufficient resources to interrupt and defeat the adversary through arrangements with a designated response force including provision for sufficient personnel, equipment, and training, documented in a response plan.

23. Security requirements for mobile devices containing security level B radioactive material

(1) Where radioactive sources of security level B are used in the field, the authorised person shall implement, for the purpose of detection—

- (a) immediate detection of unauthorised access to locations where radioactive material is and detection of attempted unauthorised removal of radioactive material through visual observation by two operator personnel;
- (b) immediate assessment of detection through observation by operator personnel; and
- (c) means to detect loss through verification through daily checks after field use.

(2) Notwithstanding subregulation (1), the authorised person shall, establish delay to provide an intermediate level of protection against unauthorised removal by affixing the device to a stationary object where possible.

(3) Subject to subregulation (1), the authorised person shall implement, for the purpose of response—

- (a) immediate communication to response personnel through two persons, each equipped with an independent mobile communication device; and
- (b) immediate initiation of response to interrupt unauthorised removal through advance notification to local response force, and communication after detection.

24. Security requirements for radioactive sources in security level C

(1) Where an authorised person possesses, uses or stores radioactive materials of security level C, the authorised person shall implement, for the purpose of detection—

- (a) detection of unauthorised removal of the source through the use of tamper detection equipment or periodic checks by operator personnel; and
- (b) means to detect loss through verification by monthly checking by means of physical checks including tamper indicating devices.

(2) Subject to this regulation, an authorised person shall establish delay mechanisms to reduce the likelihood of unauthorised removal of a radioactive source by use of one barrier including cages, source housing or through observation by operator personnel.

(3) All authorised persons shall implement appropriate action in the event of unauthorised removal of a source by the use of procedures for identifying necessary actions in accordance with his or her contingency plans.

25. Security management

(1) An authorised person shall, establish a process for granting authorisation to individuals authorised unescorted access to radioactive material or access to sensitive information, by—

- (a) verifying and determining the individuals who need access;
- (b) withdrawing access where it deems fit; and
- (c) maintaining documentation.

(2) An authorised person shall, provide appropriate access controls to source location that effectively restrict access to authorised persons, only through—

- (a) a combination of at least two verification measures for security level A; or
- (b) at least one verification measure for security levels B and C.

(3) Subject to this regulation, an authorised person shall—

- (a) ensure trustworthiness of authorised individuals through continuous background checks for all personnel authorised for unescorted access to the source location and for access to sensitive information;
- (b) identify and protect sensitive information through the use of procedures to identify sensitive information and protect it from unauthorised disclosure;
- (c) ensure the capability to manage security events through the use of security contingency plans and procedures for responding to security-related scenarios;
- (d) establish a security event reporting system with procedures for timely reporting of security events; and
- (e) establish a programme for appropriate maintenance of the different components and functions of the security system.

26. Security plans

(1) An authorised person shall develop a security plan for radioactive materials in at all security levels, including the associated equipment and facilities in which the sources are managed.

(2) A security plan referred to under subregulation (1), shall be tested and evaluated at least annually against the security goals and objectives applicable to the security level of the radioactive material.

(3) Subject to subregulation (2), the security plan shall be reviewed based upon the results of the test and identified deficiencies in the plan or security systems, which shall be promptly remedied.

(4) Subject to subregulation (1), the on-site security measures described in the security plan shall be interfaced with local, regional and national security measures and requirements.

27. Compensatory security measures for mobile and portable sources

Where it is not feasible to fully meet the requirements of regulations 21, 22, 23 and 24 for mobile or portable radioactive sources, an authorised person shall include in their application and the security plan, a description of the measures that will be used to provide an equivalent level of security.

28. Specific or increased security threat or vulnerability

(1) Where an authorised person becomes aware of, or suspects that there is, a specific threat targeting a radioactive source, the authorised person shall—

- (a) increase the security measures in accordance with the threat; and
- (b) notify the Council about the new threat situation and the measures taken to counter it.

(2) Subject to subregulation (1), an authorised person shall ensure that the increased security measure is continued until such a time as it is determined that the specific threat is no longer present.

(3) An authorised person shall ensure that the increased security measures are provided for all security levels radioactive sources during periods of source delivery, shipment, or under other vulnerable conditions.

29. Inventory and records

(1) An authorised person shall establish an annual inventory of radioactive sources.

(2) An inventory of radioactive sources established under subregulation (1), shall be revised upon any transfer or receipt of a radioactive source.

(3) Subject to subregulation (1) and (2), a record of a radioactive source shall at minimum include—

- (a) location of the source;
- (b) radionuclide;
- (c) radioactivity on a specified date;
- (d) serial number or unique identifier;
- (e) chemical and physical form;
- (f) source use history, including recording all movements into and out of the storage location;
- (g) receipt, transfer or disposal of the source; and
- (h) other information, as appropriate, to enable the source to be identifiable and traceable.

(4) For the purpose of this regulation, an authorised person shall annually submit the inventory of the radioactive sources to the Council.

PART IV—OFFENCES AND PENALTIES

30. Offences relating to authorised officers

A person who—

- (a) fails to comply with a lawful order issued by an authorised officer in accordance with the Act or these Regulation;
- (b) refuses an authorised officer entry upon any land, water, premises, facility, vehicle or vessel, which he or she is empowered to enter by the Act;

- (c) obstructs, intimidates, molests, hinders or willfully delays an authorised officer in the exercise or performance of the authorised officer's powers and functions under the Act;
- (d) refuses an authorised officer access to records, including electronic records, kept in accordance with the Act;
- (e) knowingly or negligently misleads or gives wrongful or false information to an authorised officer under the Act and these Regulations;
- (f) knowingly makes a statement or produces a document that is false or misleading in a material particular to an authorised officer engaged in carrying out his or her duties and functions under the Act;
- (g) fails to answer questions or produce anything required to be produced under the Act or these Regulations;
- (h) refuses or resists a lawful search or inspection or
- (i) fails to state or wrongly states his or her name or address to an authorised officer in the course of his or her duties under the Act or these Regulations,

commits an offence and is liable, on conviction, to imprisonment not exceeding four years without the option of a fine.

31. Impersonation of members of the Council, Radiation Protection Officers or any other authorised officer

A person, not being a member of the Council, Radiation Protection Officer or any other authorised officer, who takes or assumes the name, designation, character or appearance of a Council member, Radiation Protection Officer or any other authorised officer for the purpose of—

- (a) obtaining admission to any premises;
- (b) doing or causing to be done any act which he or she is not entitled to do; or

- (c) doing any unlawful act,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment not exceeding two years or both.

32. Unlawful seizure

A person who—

- (a) takes, causes or permits to be taken, anything seized under the Act or these Regulations otherwise than in accordance with the Act or these Regulations;
- (b) fails or neglects to deliver to the Council or an appropriate law enforcement agency anything subject to seizure;
- (c) breaks, destroys or throws overboard from any facility, aircraft, vessel or vehicle, anything for the purpose of preventing its seizure or for the purpose of preventing it from being secured after it has been seized; or
- (d) destroys or damages anything that is seized under the Act or these Regulations otherwise than in circumstances provided for in the Act or these Regulations,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or to imprisonment not exceeding four years, or both.

33. Removing or defacing seal of Council

A person who—

- (a) removes a seal of the Council from any premises, facility or package without the authority of Council or an authorised officer; or
- (b) willfully alters, defaces, obliterates or imitates, any mark placed by the Radiation Protection Officer or an authorised officer on any premises, facility or package,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred and fifty currency points or to imprisonment not exceeding three years, or both.

34. Continuing or subsequent offences

(1) A person convicted of an offence under these Regulations who continues to contravene any of the provisions of these Regulations commits an offence and is liable to an additional penalty—

- (a) in the case of an individual, to a fine not exceeding fifty currency points or imprisonment not exceeding one year or both; or
- (b) in the case of a body corporate, in accordance with section 65 of the Act, to a fine not exceeding one hundred currency points or imprisonment not exceeding two years, or both.

(2) A person who commits a second or subsequent offence is liable to pay an additional penalty—

- (a) in the case of an individual, to a fine not exceeding one hundred currency points or to a term of imprisonment not exceeding two years, or both; or
- (b) in the case of a body corporate, in accordance with section 65 of the Act, to a fine not exceeding two hundred currency points or imprisonment not exceeding four years.

35. Power of court to confiscate and order forfeiture

(1) In accordance with section 64 of the Act, the court by which a person is convicted of an offence under these Regulations may order the forfeiture of—

- (a) any source or associated equipment in respect of which the offence was committed or which was found in that person's possession; or
- (b) any vehicle or other conveyance, machinery goods or equipment, appliance, material, container, weapon or other thing which was used to commit the offence or which was capable of being used to take a source found in his or her possession and used in respect of the commission of the offence.

(2) A source forfeited under subregulation (1) shall unless otherwise ordered by the court, be under the management of the Council.

36. Power of court to order compensation

A person convicted of an offence under these Regulations is liable, on conviction, for any loss or damage caused by the offence, and may be ordered by the court to pay—

- (a) to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the materials and equipment utilising radioactive material; or
- (b) up to ten times the amount of any fees or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

37. Deprivation of monetary benefits

A court convicting a person of an offence under these Regulations may summarily and without pleadings, inquire into the money benefit acquired or saved by the person as a result of the commission of the offence and may, in addition to other penalty imposed, impose a fine equal to the court's estimation of that monetary benefit, despite any maximum penalty elsewhere provided.

SCHEDULE

regulation 4

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

NOAH DEOGRATIAS LUWALIRA,
Secretary & Chief Executive Officer, Atomic Energy Council.