

RADIATION PROTECTION INSTRUMENT, 1993
ARRANGEMENT OF REGULATIONS

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RADIATION PROTECTION INSTRUMENT, 1993

IN exercise of the powers conferred on the Provisional National Defence Council by section 9A and 10 (j) of the Atomic Energy Commission Act, 1963 (Act 204) this Instrument is made this 5th day of January, 1993.

**Membership
of Radiation
Protection
Board.**

1. The Radiation Protection Board established under section 9A (1) of the Atomic Energy Commission Act 1963 (Act 204) referred to in this Instrument as the Board shall consist of the following persons—

- (a) a chairman appointed by the Council;
- (b) the Chief Radiation Officer appointed under paragraph 12 of this Instrument;
- (c) the Director of the National Nuclear Research Institute;
- (d) the Director of the Ghana Standards Board;
- (e) one representative each of Ministries of Health and Mobilization not below the rank of a Director;
- (f) a representative of the Universities in Ghana;
- (g) a representative of the Environmental Protection Council not below the rank of a Deputy Director; and
- (h) three other persons, appointed by the Commission.

**Functions
of the
Board.**

2. The Board shall have the following functions—

- (a) advise the Commission on matters relating to radiation protection and the disposal of radioactive waste materials;
- (b) initiate and draw up protection strategies on radiation;
- (c) harmonise the interest of state agencies concerned with the utilization of radiation;
- (d) license users and supervise and monitor the use of irradiating devices and radioactive materials;
- (e) ensure that operations relating to irradiating devices and radioactive 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 prescribed standards;
- (f) advise the Secretary for Lands and Natural Resources on the grant of licences for mining radioactive minerals;
- (g) keep a register of owners of irradiating devices, radioactive materials and other sources of ionizing radiation imported into or manufactured in Ghana and of premises licensed to dispose of radioactive waste; and
- (h) implement the provisions of this Instrument.

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3. (1) The Board shall meet at least four times in each year at such places and times as the Chairman may appoint.

Meetings
of the
Board.

(2) The Chairman shall preside at all meetings of the Board and in his absence a member of the Board elected by the members present shall preside.

(3) Decisions of the Board shall be by majority votes and in the event of equality of votes, the Chairman or the person presiding at any meeting of the Board shall have a casting vote.

(4) The quorum for any meeting of the Board shall be five.

(5) Subject to this paragraph, the Board shall regulate the procedure for its meetings.

4. The Board may appoint such committees as it finds necessary for the purpose of advising the Board on matters relating to its functions.

Committees
of the
Board.

PART II—CONTROL AND USE OF RADIATION SOURCES

5. (1) Subject to exemptions that may be prescribed or provided under this Instrument no person shall—

Control and
use of
radiation
sources.

- (a) manufacture or otherwise produce;
- (b) possess or use;
- (c) sell, dispose of or lease, loan or deal with;
- (d) import or export; or
- (e) transport,

any irradiating device or radioactive material, except under, and in accordance with a licence issued under this Instrument.

(2) No person shall sell an irradiating device or radioactive material unless at the time of sale the purchaser produces to the vendor a valid licence authorising the purchaser to use that type of irradiating device or radioactive material.

(2) For the purpose of paragraph (1) an irradiating device or radioactive material shall be deemed to have been exported when it is placed on a ship, aircraft, train or any other vehicle within Ghana for the purpose of export.

6. (1) No person shall cause ionizing radiation to be applied to any other person for the purpose of diagnosing or treating a disease unless the application is prescribed by a medical or dental practitioner registered under the Medical and Dental Decree, 1972 (N.R.C.D. 91).

Application
of ionizing
radiation to
person etc.

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(2) No person shall administer ionizing radiation to another person unless the person administering it is in possession of a valid licence issued under this Instrument.

Notification of sale of irradiating device or radioactive material etc.

7. (1) A person who sells an irradiating device or radioactive material shall submit to the Board in respect of every sale a written notice in such form as the Board shall direct.

(2) An owner or user of an irradiating device or radioactive material shall notify the Board in writing of his intention to acquire, store, install or use the device or material specifying the purpose for which it is required and the type of building or facility where the device or material is to be stored, installed or used.

(3) An owner or user of a radiation facility shall notify the Board within a period of one month of any change in the facility which renders the information supplied by him under sub-paragraph (2) inaccurate.

Exemptions.

8. (1) The radiation requirements prescribed under this Instrument shall not apply to patients undergoing medical treatment by exposure to ionizing radiation by or under the supervision of an authorised person.

(2) Subject to such exemptions as may be prescribed or in a licence issued under this Instrument, the standards of radiation protection to be observed for the purposes of this Instrument shall be those published by the Board any guidelines established and published by the International Commission on Radiological Protection, the International Atomic Energy Agency or the World Health Organization.

PART III—LICENSING PROVISIONS

Application for and issue of a licence.

9. (1) A person who owns, purchases, manufactures, acquires, imports, sells or deals in, stores, uses, disposes of or exports, any kind of irradiating device or radioactive material or any other source of ionizing radiation shall apply in the prescribed form to the Board for an appropriate licence or for a renewal of the licence.

(2) On receiving an application for a licence or for a renewal of a licence, the Board may, on payment of the prescribed fee, issue to the applicant the appropriate licence or renew the licence.

(3) A licence issued under this paragraph may—

(a) authorise the licensee to own, purchase, acquire, import, export, possess, sell or deal in, store, install, use or dispose of, as the case may be, irradiating devices, radioactive materials or other sources of ionizing radiation;

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- (b) be specific with regard to the process, operation or facility;
 - (c) be valid for such period as the Board may determine;
 - (d) contain such other conditions as the Board considers necessary to impose for the safe disposal of all radioactive material resulting from the proposed operation, process or facility; and
 - (e) be in such form as the Board shall determine.
- (4) A licence issued under this paragraph may—
- (a) be amended at any time on written notice to the holder by the Board, if in its opinion, the amendment is necessary for the purpose of public safety; and
 - (b) be suspended or revoked by the Board if the holder fails to comply with the conditions contained in the licence or laid down in this Instrument or in any regulations and where a licence is suspended or revoked the holder shall take such steps as may be directed by the Board to ensure that no radiation hazards occur.

(5) Licences that are issued under this Instrument shall be in addition to any licence required under any other enactment.

10. The holder of a licence shall be responsible for ensuring that exposure to ionizing radiation resulting directly or indirectly from its operation, conditions of storage, transport or disposal is kept as low as reasonably practicable and below the prescribed limits.

Duties of
licences.

11. The owner of a facility shall appoint a person experienced in radiation health and safety measures as a Radiation Safety Officer within the facility and the person so appointed shall ensure that—

Radiation
Safety
Officer.

- (a) all persons using or working the facility are supplied with at least one monitoring device and any other protective accessories necessary to carry out radiation procedures with the lowest possible risk;
- (b) all radiation workers employed within the facility are given proper instruction on radiation safety measures and where annual exposure exceed three-tenths of the dose equivalent limit, receive medical check-ups at least once every six months;
- (c) proper care is taken of radioactive wastes if they appear in the course of the use of radiation sources as described in the code of practice issued by the Board for protection of persons exposed to ionizing radiation and that the wastes are only disposed of in accordance with the licence granted for that purpose;

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- (d) exposure records are kept as prescribed in the code of practice for users of ionizing radiation; and
- (e) any other instructions that may be issued from time to time by the Board are implemented.

Chief
Radiation
Protection
Officer.

12. (1) There shall be a Chief Radiation Protection Officer who shall be appointed by the Commission.

(2) The Chief Radiation Protection Officer shall be the Director of the Board and shall exercise such powers as are conferred on him by these regulations and as the Commission may direct.

(3) There shall be appointed by the Commission officers designated as Radiation Protection Officers.

Power of
Radiation
Protection
Officer.

13. (1) The Chief Radiation Protection Officer or any person appointed as a radiation protection officer may—

- (a) enter, inspect and examine any premises, container or any part of it, booth, motor vehicle in or upon which he has reasonable cause to believe that an irradiation device, radioactive material, or any other source of ionizing radiation is stored, used, transported or disposed of;
- (b) require the production of a licence authorising the use of any irradiating device, radioactive material or any other source of ionizing radiation or a register or document kept under this Instrument and inspect, examine or take copies of them;
- (c) make such examinations and enquiries as may be necessary to ascertain whether the provisions of this Instrument are being complied with; and
- (d) exercise such other powers as may be necessary for carrying out the provisions of this Instrument or any other guidelines.

(2) Every Radiation Protection Officer shall be furnished with a certificate of his appointment signed by the Board or any person authorised by the Board and when visiting a place to which the provisions of this Instrument apply, shall, if so required, produce that certificate to the occupier or person holding a responsible position of management or control of the facility at the premises in which an irradiating device, radioactive material or other source of ionizing radiation are believed to be present or to be actually present or exist.

(3) The Commission shall provide to the Board such officers and employees as the Board may require for the effective implementation of its functions.

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14. (1) An applicant or licensee may within one month of being given notice of a cancellation, suspension, refusal to grant or renew a licence, appeal to the Commission against the cancellation, suspension or refusal to grant or renew a licence. Appeals.

(2) The Commission may, on consideration of an appeal made under sub-paragraph (1) make such order as it considers proper and such order shall be final.

15. (1) A person who—

- (a) wilfully obstructs the Chief Radiation Protection Officer or any other radiation protection officer in the exercise of his duties under this Instrument;
- (b) without reasonable excuse, fails to produce a register, licence, notice or document which he is required by this Instrument to produce;
- (c) wilfully withholds any information as to who is the owner or responsible for the management of a radiation source; or
- (d) wilfully prevents or attempts to prevent any person from appearing or being examined by a radiation protection officer,

Offences and penalties.

is guilty of an offence and liable on conviction to a fine not exceeding C\$500,000 or to imprisonment for a term not exceeding twelve months or both.

(2) Notwithstanding sub-paragraph (1), a person who contravenes any of the provisions of this Instrument relating to or in connection with the importation, possession, transportation, use or disposal of irradiating devices, radioactive materials or any other sources of ionizing radiation without being in possession of a valid licence is guilty of an offence and liable to imprisonment for a term of not more than one year.

(3) Any act or omission which is an offence under this Instrument shall, if done by a body corporate be deemed to be an offence committed by every director, secretary or manager of the body corporate unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

(4) If an offence under this Instrument is committed by a partner in a firm, every person who, at the time of the commission of the offence was a partner in that firm or was purporting to act in that office shall be deemed to have committed the offence unless he

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proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and the circumstances of the case.

Interpretation.

16. In this Instrument unless the context otherwise requires—

“authorised person” means a medical practitioner who is a specialist in radiation medicine, a radiographer, a radiophysicist or any other person with special knowledge in safe handling of radiation sources;

“Commission” means the Ghana Atomic Energy Commission;

“Council” means the Provisional National Defence Council;

“Chief Radiation Protection Officer” means the Officer appointed under section 12;

“facility” means an assembly of devices, equipment, structures or natural features whether simple or complex, which serves some specific purpose or performs some other function;

“ionizing radiation” means gamma rays, alpha and beta particles, high speed electrons, neutrons, protons and other particles capable of producing ions directly or indirectly in their passage through matter;

“irradiating device” means an apparatus capable of producing ionizing radiation of a prescribed type;

“licence” means a licence issued under paragraph 9;

“minimum significant quantity” means the quantity of radioactive material above which administrative control is required;

“owner” means the person having administrative control over a radiation source;

“radiation source” means any irradiating device or radioactive material;

“radiation worker” includes any person potentially exposed to ionizing radiation as a result of his occupation;

“radioactive material” means any material or substance emitting ionizing radiation;

“Secretary” means Secretary for Lands and Natural Resources.

JERRY JOHN RAWLINGS

Chairman of the Provisional National Defence Council

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