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Control of Radio-active Substances Act, 1964

Act 23 of 1964

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Control of Radio-active Substances Act, 1964

Act 23 of 1964

Commenced on 1 May 1964

[This is the version of this document at 1 December 1998.]

An Act to make provision for the control and use of radio-active substances.

1. Short title

This Act may be cited as the Control of Radio-active Substances Act, 1964.

2. Interpretation

In this Act, unless the context otherwise requires—

“**adequate protection**” means protection against external radiation and against the intake of radio-active material in such a manner that the radiation dose received by a person from sources, external and internal, to the body does not exceed the maximum levels permitted by this Act;

“**adequate shielding**” means, in relation to a plant or an apparatus housing sources of ionizing radiation, shielding against ionizing radiation by the use of lead or other suitable material as appropriate or by distance in such a manner that the radiation dose, at any point on the outer surface of the shielding or on the perimeter of any demarcating barrier around the plant, apparatus or source, cannot exceed in forty hours the prescribed maximum permissible weekly dose;

“**authorization**” means authorization referred to in [section 6](#);

“**doctor**” means a person registered, or licensed to practise as a medical practitioner under the Medical and Dental Practitioner’s Act [No. 3 of 1970](#);

“**external radiation**” means radiation received by the body from radio-active sources external to it;

“**ionizing radiation**” means electromagnetic or corpuscular radiation capable of producing ions directly or indirectly in its passage through matter and emitted from radio-active substance;

“**inspector**” means an inspector appointed by [section 4](#);

“**Minister**” means the Minister for Enterprise and Employment;

“**monitoring equipment**” means equipment suitable for detecting and measuring the dose-rate in an occupied area or the dose received by a person or radio-active contamination of any substance;

“**person authorized**” means a person to whom an authorization is issued or transferred in accordance with this Act;

“**process**” means any operation involving the production, emissions or use of ionizing radiation;

“**radiation staff**” means any person who is potentially exposed to radiation or radio-active substances as a result of his occupation and is for the time being so designated in the health register by the person authorised;

“**radio-active substance**” means a substance which consists of, or contains any radio-active chemical element, whether natural or artificial, the specific activity of which exceeds 0.002 of a microcurie per gramme of parent radio-active chemical element of substance and which has a total activity of more than 0.1 microcurie;

“**sealed source**” means a radio-active source of ionizing radiation, which is firmly bonded in material or sealed in a cover of sufficient mechanical strength so as to exclude the possibility of contact with the radio-isotope and the dispersion of radio-active material into the environment under foreseeable conditions of use and wear;

“**unsealed source**” means radio-active source that does not comply with the specifications for a sealed source.

3. Application

This Act applies to any place, premises, operation, process and work in which a radio-active substance, sealed or otherwise, is, or is proposed to be, stored, manipulated, operated or used otherwise than for medical purposes.

4. Inspector of radio-active substances

- (1) An inspector of machinery appointed under section 3 of the Mines, Works and Machinery Act, [No. 61 of 1960](#), shall also be an inspector for the purposes of this Act.
- (2) An inspector may give a person authorized such directions as he considers necessary in order to secure his compliance with this Act.
- (3) An inspector may approve forms for the purposes of this Act.
- (4) Any person who fails to comply with a direction given by an inspector shall be guilty of an offence.

5. Exemption

- (1) If, in respect of any laboratory, workshop or other place or premises to which this Act applies the inspector is satisfied that—
 - (a) by reason of exceptional circumstances there, or
 - (b) by reason of the limited use made there of ionizing radiation, or
 - (c) for any other reason,all or any of the requirements of this Act are not necessary for the protection of the persons employed, he may, by certificate in writing (which he may, in his discretion, revoke at any time), exempt the laboratory, workshop, place or premises, or any part thereof, from those requirements, subject to such conditions as he may specify in the certificate which shall be observed by such person he specifies in the certificate as being responsible.
- (2) A person who fails to comply with a condition of any such exemption shall be guilty of an offence.

6. Prohibition of use, without authorization, of radio-active isotopes

- (1) Radio-active isotopes shall not be possessed or used except under and in accordance with the conditions of a written authorization for such purpose issued under this section.
- (2) An inspector may issue a written authorization to a person to possess and use radio-active isotopes subject to such conditions as he may impose and to this Act.
- (3) An inspector may, at any time, impose such additional conditions in the authorization as he considers necessary.
- (4) Any person who contravenes subsection (1) shall be guilty of an offence.

7. When authorization may be transferred

No authorization shall be transferred without the consent of an inspector endorsed thereon.

8. Cancellation of authorization

An inspector may cancel an authorization where—

- (a) the person authorized, or his employee, contravenes this Act or a condition of the authorization; or
- (b) he considers such cancellation to be in the public interest because of unforeseen circumstances.

9. Regulations

- (1) The Minister may, by notice published in the *Gazette*, make regulations to give effect to the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing, such regulations may provide for—
 - (a) an applicant for an authorization to nominate a person to be responsible for prescribed matters;
 - (b) the examination of such applicant;
 - (c) the appointment of a doctor to undertake the medical supervision of any person employed in a process;
 - (d) the examination of, and duties of, any person to be employed in a process;
 - (e) the protection of persons against ionizing radiation, including the keeping of a health register and adequate protection and shielding;
 - (f) the medical control of radiation staff;
 - (g) the maximum permissible radiation;
 - (h) monitoring equipment;
 - (i) personnel monitoring;
 - (j) area monitoring;
 - (k) the procedure in case of accidents;
 - (l) the use of unsealed sources;
 - (m) the supervision and maintenance of sealed sources;
 - (n) alterations to existing facilities, and
 - (o) any contravention of a regulation or causing or permitting any such contravention, to be an offence, punishable as provided in [section 10](#).

10. Penalties

A person who is guilty of an offence under this Act shall be liable, on conviction—

- (a) where the offence results in the death of any other person to a fine not exceeding two thousand emalangeni or imprisonment not exceeding four years; or
- (b) where the offence results in serious bodily injury to any other person to a fine not exceeding one thousand emalangeni or imprisonment not exceeding two years; or,
- (c) where the offence endangers the safety of any other person to a fine not exceeding five hundred emalangeni or imprisonment not exceeding one year; or,
- (d) in circumstances other than those set out in paragraph (a), (b) or (c), to a fine not exceeding two hundred emalangeni or imprisonment not exceeding six months.

11. Indemnity

No action or any other kind of legal proceeding, civil or criminal, shall be instituted in a court against any person or an inspector, or any person acting pursuant to a direction given by the inspector under [section 4\(2\)](#), in respect of anything done in good faith, and done, or purporting to have been done, in the execution of the functions, of that person or inspector under this Act or pursuant to such direction, as the case may be.