



**BERMUDA
1972 : 17**

RADIATION ACT 1972

ARRANGEMENT OF SECTIONS

- 1 Interpretation
- 2 Control of radioactive substances and irradiating apparatus
- 3 Minister may grant licences
- 4 Minister may suspend or cancel licences
- 5 Appeal
- 6 Conditions of licences
- 7 Minister may make regulations
- 8 Minister may issue recommendations for protection from radiation hazards
- 9 Inspectors
- 10 Offences
- 11 Forfeiture
- 12 Directors and officers of companies
- 13 Commencement [*omitted*]

[21 March 1972]

[preamble and words of enactment omitted]

Interpretation

- 1 In this Act where not inconsistent with the context—
 - "inspector" means a person appointed under section 9(1) to be an inspector for the purposes of this Act;
 - "ionizing radiation" means electromagnetic radiation (that is to say, X-ray or gamma ray photons or quanta) or corpuscular radiation, (that is to say, alpha particles, beta particles, electrons, positrons, protons, neutrons or heavy particles)

RADIATION ACT 1972

being electromagnetic radiation or corpuscular radiation capable of producing ions and emitted from a radioactive substance or from a machine that is intended to produce ionizing radiations, or from a machine in which electrons are accelerated by a voltage of not less than five kilovolts (that is to say, 5,000 volts);

"irradiating apparatus" means any apparatus which is intended to produce or emit, or is capable of producing or emitting, ionizing radiation at a dose rate in excess of 0.5 millirem per hour at a distance of five centimetres from any accessible point of the surface of the apparatus;

"Minister" means the Minister for the time being responsible for health and welfare and related matters;

"medical practitioner" means a person for the time being a registered medical practitioner or an exempted medical practitioner for the purposes of the Medical Practitioners Act 1950 [*title 30 item 8*];

"prescribed" means prescribed by regulation under section 7;

"radioactive substance" means any substance which consists of or contains any radioactive chemical element whether natural or artificial and whose specific activity exceeds 0.002 of a microcurie of parent radioactive chemical element per gramme of substance;

"substance" means any natural or artificial substance, whether in solid or liquid form or in the form of gas or vapour, and includes any manufactured article or any article which has been subjected to any artificial treatment or process.

Control of radioactive substances and irradiating apparatus

2 (1) Subject to such exemptions as may be prescribed, no person shall, except under and in accordance with a licence issued by the Minister under this Act —

- (a) manufacture or otherwise produce; or
- (b) sell or otherwise deal in or with; or
- (c) have in his possession or use, any radioactive substance or irradiating apparatus.

(2) Any person who contravenes any of the provisions of subsection (1), commits an offence:

Punishment on summary conviction: a fine of \$10,000.

(3) Nothing in this section shall apply to any radioactive substance or irradiating apparatus in transit through Bermuda in any

ship or aircraft so long as such substance or apparatus remains in the ship or aircraft.

Minister may grant licences

3 (1) On application in the prescribed manner by any person desiring to obtain a licence under this Act, or to renew a licence issued under this Act, the Minister may grant or refuse to grant a licence to the applicant or renew or refuse to renew the licence issued under this Act as the case may be.

(2) Every application for a licence under this Act or for renewal of a licence issued under this Act shall be accompanied by such information or particulars as may be prescribed or as the Minister may require.

(3) Every licence granted or renewed under subsection (1) shall, on payment of such fee as may be prescribed under the Government Fees Act 1965 [*title 15 item 18*] be issued or renewed in the prescribed manner and in the appropriate prescribed form, and shall be valid, unless cancelled or suspended, for such period as the Minister may determine,

Minister may suspend or cancel licences

4 By notice in writing to the holder of a licence issued under this Act, the Minister may cancel, or for such period as he thinks fit, suspend, the licence, if the Minister is satisfied that —

- (a) the holder thereof or any servant or agent of such holder has been convicted of an offence against this Act or the regulations made thereunder; or
- (b) the holder thereof or any servant or agent of such holder has committed a breach of any of the terms or conditions of the licence; or
- (c) for any other reason, it is in the public interest so to do.

Appeal

5 (1) An appeal by an applicant for or holder of a licence under this Act shall lie to the Governor from any refusal to grant or renew or from any cancellation or suspension of a licence under section 3 or 4 within one month of notice being given of such refusal, cancellation or suspension.

(2) On consideration of the appeal, the Governor may make such order, as he thinks proper and such order shall be final.

RADIATION ACT 1972

Conditions of licences

6 (1) Any licence granted under section 3(1) shall be subject to such conditions as the Minister may see fit to impose, and any conditions so imposed may at any time be varied, added to or revoked by the Minister.

(2) Without limiting the general powers conferred by subsection (1) any such condition may restrict the licence to —

- (a) radioactive substances of a specified kind or specified kinds;
- (b) a specified apparatus or apparatus of a specified kind or specified kinds;
- (c) a specified purpose or purposes.

Minister may make regulations

7 (1) The Minister may, by regulation provide for —

- (a) precautions to be taken to prevent injury being caused by ionizing radiations to the health of persons employed in places where radioactive substances are manufactured, produced, treated, stored or used, or where irradiating apparatus is used, or of other persons likely to be exposed to harmful radiation;
- (b) methods of disposing of radioactive waste products from any source whatever;
- (c) the structural requirements of buildings where any radioactive substance is manufactured, produced, treated, used, or stored, or where irradiating apparatus is used;
- (d) precautions to be taken to prevent injury being caused by the transport of radioactive substances to the health of persons engaged therein and other persons;
- (e) the method of packing any radioactive substance;
- (f) marks to be placed on vessels, vehicles or containers containing any radioactive substance;
- (g) the method of treatment or disposal of any package, container or vessel that has been used to convey, hold, or store any radioactive substance;
- (h) the manner in which and the conditions subject to which radioactive substances may be stored or used;
- (i) the purposes for which any radioactive substance or irradiating apparatus may be used;

- (j) the use of any specified radioactive substance containing more than a specified concentration or amount of any radioactive chemical element;
- (k) the use of any specified type of irradiating apparatus;
- (j) the maximum working hours of persons employed in the manufacture, production, treatment, storage or use of radioactive substances or the use of irradiating apparatus, regulating the employment of those persons, the minimum holidays to be taken by those persons, and the medical examination of those persons;
- (m) the issue by medical practitioners of prescriptions containing any radioactive substance;
- (n) the dispensing and compounding of any prescription containing any radioactive substance;
- (o) the making of returns by owners and persons in possession of radioactive substances of the quantities and classes of radioactive substances held by them;
- (p) the keeping by purchasers of radioactive substances of records specifying the purposes to which those substances are put, and the inspection of those records, and for the making of returns of entries in those records;
- (q) the keeping of records of all applications of X-rays or radioactive substances for any specified purpose;
- (r) the forms of applications, licences, notices and other documents required for the purposes of this Act or regulations made thereunder, or authorizing the Minister to determine such forms;
- (s) the classification of licences for the purposes of this Act;
- (t) the exemption of any class of persons or of any substance, article or apparatus from the operation of any or all of the provisions of this Act or regulations made thereunder;
- (u) such matters as are required or permitted to be prescribed under this Act;
- (v) the better carrying out of this Act.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of five thousand dollars.

RADIATION ACT 1972

Minister may issue recommendations for protection from radiation hazards

8 (1) The Minister may from time to time issue in such manner as he thinks fit recommendations for protection from radiation hazards for the guidance of licensees and persons engaged in radiation work.

(2) Failure on the part of any person to observe the provisions of any such recommendations shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings under this Act be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Inspectors

9 (1) The Minister may from time to time appoint persons by name or office to be inspectors for the purposes of this Act.

(2) Any inspector may, on producing, if so required, a duly authenticated document showing his authority, enter and inspect at all reasonable hours any premises, vehicle, vessel or aircraft in which there is any radioactive substance or irradiating apparatus in respect of which a licence is for the time being in force under this Act or in respect of which a licence under this Act is not required by virtue of any exemption made by regulation under section 7.

(3) If a magistrate is satisfied from information on oath of any inspector that —

(a) entry into any premises, vehicle, vessel or aircraft in exercise of the powers conferred by subsection (2) has been refused; or

(b) there are reasonable grounds for suspecting that an offence against this Act or any regulation made thereunder has been or is being committed in or in connection with any premises, vehicle, ship or aircraft, the magistrate may, by warrant under his hand, authorize any person named in the warrant together with any police officer, to enter and search such premises, vehicle, vessel or aircraft, if necessary by force.

(4) In the exercise of the powers of entry and inspection under subsection (2) or of entry and search under a warrant granted under subsection (3), any inspector may —

(a) take without payment such samples of any substance which he believes to be a radioactive substance as are necessary for the examination and testing thereof;

- (b) examine and calibrate any irradiating apparatus or any apparatus which he believes to be an irradiating apparatus;
- (c) seize, remove and detain anything with respect to which he may have reasonable grounds for suspecting that any offence against this Act or any regulation made thereunder has been committed.

Offences

10 (1) Any person who obstructs, whether actively or passively, any person in the execution of any power conferred by or under section 9 commits an offence:

Punishment on summary conviction: a fine of \$2,000.

(2) Any person who for the purpose of obtaining, whether for himself or any other person, the grant of any licence under this Act, or for any other purpose in relation to this Act or any regulation made thereunder, makes any declaration or statement which to his knowledge is false in any particular commits an offence:

Punishment on summary conviction: a fine of \$5,000.

(3) Any person who discloses any information obtained in the exercise of any powers conferred by this Act, being information with regard to any manufacturing process or trade secret, unless the disclosure was made in accordance with the directions of the Minister or for the purpose of proceedings for an offence against this Act or any regulation made thereunder, commits an offence:

Punishment on summary conviction: a fine of \$5,000

(4) Any person who wilfully continues to contravene any provision of this Act or any regulation thereunder after he becomes aware of such contravention shall, on conviction for such offence, be liable, in addition to the penalty prescribed by this Act or such regulation for the offence, to a further penalty, not exceeding one hundred dollars, for each day during which the offence is so continued.

Forfeiture

11 (1) A magistrate may order to be forfeited to the Crown any radioactive substance or irradiating apparatus in respect of which an offence against this Act or any regulation made thereunder has been committed whether any person has been charged with such offence or not and if he does so order then such substance or apparatus shall be forfeited.

RADIATION ACT 1972

(2) Before making an order pursuant to subsection (1) the magistrate shall give any person appearing to the magistrate to have an interest in the substance or apparatus an opportunity to be heard.

(3) Any person aggrieved by an order of a magistrate under this section may appeal to the Supreme Court and, where the order is made otherwise than in the course of criminal proceedings, the order shall be deemed to be an order of a court of summary jurisdiction for the purposes of the Civil Appeals Act 1971 [*title 8 item 85*].

Directors and officers of companies

12 Where a person by whom an offence under this Act has been committed is a company, every director and every officer concerned in the management of the company commits the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Commencement

13 [*omitted.*]

[this Act was brought into operation on 24 March 1975 by GN 124/1975]