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The following Act was passed by Parliament on 21st May 2007 and assented to by the President on 1st June 2007:—

RADIATION PROTECTION ACT 2007

(No. 27 of 2007)

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REPUBLIC OF SINGAPORE

No. 27 of 2007.

I assent.

S R NATHAN,
President.
1st June 2007.

(LS)

An Act to repeal and re-enact with amendments the Radiation Protection Act (Chapter 262 of the 1992 Revised Edition) to control and regulate the import, export, manufacture, sale, disposal, transport, storage, possession and use of radioactive materials and irradiating apparatus, to make provision in relation to the non-proliferation of nuclear weapons and to establish a system for the imposition and maintenance of nuclear safeguards, to provide for matters connected therewith, and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Radiation Protection Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

“authorised officer” means any person appointed as an authorised officer under section 3(2), and includes the Director-General;

“conveyance” includes any vessel, train, vehicle, aircraft or other mode of transport;

“Director-General” means the Director-General of Environmental Protection appointed under section 3(1) of the Environmental Pollution Control Act (Cap. 94A);

“disposal”, in relation to waste, includes —

(a) its removal, deposit or destruction;

(b) its discharge, whether onto land, into water or air, into a sewer or drain, or otherwise; and

(c) its burial, whether underground or otherwise,

and “dispose of” shall be construed accordingly;

“IAEA” means the International Atomic Energy Agency established by the IAEA Statute;

“IAEA inspector” means an individual designated as an inspector by the IAEA Board of Governors according to the procedures set out in the Safeguards Agreement to carry out an inspection or a visit in accordance with that Agreement;

“IAEA Statute” means the Statute of the International Atomic Energy Agency, being the Statute which was ratified by Singapore on

5th January 1967, and includes any amendment to, or substitution of, the Statute that is binding on Singapore;

“ionising radiations” means electromagnetic radiations and corpuscular radiations which give rise to the formation of ion pairs on interaction with matter;

“irradiating apparatus” means —

- (a) any apparatus that is capable of producing ionising radiation;
- (b) any apparatus of a prescribed type that is capable of producing non-ionising radiation; and
- (c) any component of or accessory to an apparatus described in paragraph (a) or (b);

“licence” means a licence granted under section 7;

“national inspector” means any person who is a national inspector by virtue of, or appointed under, section 19;

“non-ionising radiations” means electromagnetic radiations and fields with wavelengths greater than 100 nanometers and all acoustic radiations and fields with frequencies below 16 Hz and above 16 kHz;

“nuclear material” has the same meaning as in the First Schedule;

“owner”, in relation to any premises, includes —

- (a) the person for the time being receiving the rent for the premises, whether on his own account or as an agent or a trustee for any other person, or the person who would so receive the rent if the premises were let to a tenant; and
- (b) the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254);

“premises” includes —

- (a) messuages, houses, buildings and lands, whether open or enclosed, and whether public or private;
- (b) any place underground and any land covered by water; and
- (c) any structure or conveyance;

“radiation” means ionising radiation or non-ionising radiation;

“radioactive material” means any article containing a radioactive substance giving it a specific or total radioactivity exceeding the prescribed level, and includes any article containing any nuclear material;

“radioactive substance” means a radionuclide or mixture of radionuclides, either alone or in chemical combination with other elements;

“radioactive waste” means any waste which consists wholly or partly of —

(a) the substance or article which, if it were not waste, would be radioactive material; or

(b) a substance or an article which has been contaminated in the course of the production, keeping or use of radioactive material or by contact with, or proximity to other waste falling within paragraph (a);

“radionuclide” means an isotope of any element which spontaneously emits any ionising radiation;

“registered medical practitioner” means any person who is registered or deemed to be registered as a medical practitioner under the Medical Registration Act (Cap. 174);

“Safeguards Agreement” means the Agreement between Singapore and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons signed on 18th October 1977, and includes —

(a) that Agreement as amended from time to time;

(b) the protocol thereto signed on 18th October 1977, as amended from time to time; and

(c) the protocol additional to that Agreement for the application of safeguards, signed at Vienna on 22nd September 2005;

“sell” includes —

(a) supplying or otherwise dealing in or disposing of, whether by way of sale, loan or gift;

(b) offering or attempting to sell, receiving for sale, exposing for sale, having in possession for sale, sending or delivering for sale, or causing to be sold, offered or exposed for sale; and

(c) barter,

and “sale” and “purchase” shall have corresponding meanings.

(2) Any word or expression used and not defined in this Act but defined in the Safeguards Agreement shall, unless the context otherwise requires, have the same meaning as in the Safeguards Agreement.

PART II

ADMINISTRATION

Administration of Act and appointment of authorised officers

3.—(1) The Director-General shall be charged with the general administration of this Act and the exercise of the powers conferred and duties imposed upon him by this Act.

(2) The Director-General may in writing appoint any public officer, or any officer of the Agency or any other statutory authority, to be an authorised officer for the purposes of this Act.

(3) Subject to any general or special directions of the Minister or the Director-General, the powers conferred and duties imposed on the Director-General by this Act may be exercised or performed by any authorised officer.

Advisory and technical committees

4.—(1) The Agency may, from time to time, appoint such advisory or technical committees as the Agency thinks necessary for the purpose of advising the Agency on any matter arising from the administration of this Act.

(2) The composition of such committees and the terms of appointment of the members shall be determined by the Agency.

PART III**CONTROL OF IMPORT, EXPORT, ETC., OF RADIOACTIVE MATERIALS AND IRRADIATING APPARATUS****Control of import, export, etc., of radioactive materials**

5.—(1) No person shall, except under and in accordance with a licence —

- (a) import into, or export out of, Singapore any radioactive material;
- (b) keep, have in his possession or under his control, or use any radioactive material;
- (c) manufacture, sell or otherwise deal in any radioactive material;
or
- (d) transport any radioactive material.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

Control of import, export, etc., of irradiating apparatus

6.—(1) No person shall, except under and in accordance with a licence —

- (a) import into, or export out of, Singapore any irradiating apparatus;
- (b) keep, have in his possession or under his control, or use any irradiating apparatus;
- (c) manufacture, or otherwise produce, any irradiating apparatus; or
- (d) sell, deal with or otherwise deal in any irradiating apparatus.

(2) Every person who sells any irradiating apparatus shall immediately give notice of the sale to the Director-General, together with the name, address and prescribed particulars of the person to whom it was sold, in such form and manner as may be prescribed.

(3) Every person who purchases any irradiating apparatus shall immediately give notice of the purchase to the Director-General, together

with the name, address and prescribed particulars of the person from whom it was purchased, in such form and manner as may be prescribed.

(4) No person shall dispose of any irradiating apparatus, whether in a working condition or otherwise, without the prior approval in writing of the Director-General.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

(6) Any person who contravenes subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

PART IV

LICENCES

Application for licences, etc.

7.—(1) An application for the grant or renewal of a licence shall be made to the Director-General in such form and manner as the Director-General may require and shall be accompanied by the prescribed fee.

(2) An applicant for a licence shall furnish such information and documents as the Director-General may in any case require.

(3) The Director-General may, in his discretion —

- (a) grant or renew a licence subject to such conditions, limitations and exceptions as may be specified by the Director-General;
- (b) during the currency of a licence, revoke or vary any condition, limitation or exception attached to the licence, or attach new conditions, limitations or exceptions to the licence;
- (c) refuse any application for the grant or renewal of a licence; or
- (d) suspend a licence for such period as he may determine, or cancel a licence.

(4) A licence shall, unless earlier cancelled or suspended, remain in force for such period as may be specified in the licence.

Register of licences

8.—(1) The Director-General shall keep or cause to be kept such registers of licences as may be prescribed.

(2) The contents of every such register may be evidenced in any proceedings by a certificate under the hand of the Director-General, and every such certificate shall be prima facie evidence of the matters stated therein.

(3) A certificate under the hand of the Director-General stating that on a date specified in the certificate any person named therein did or did not appear in any register as the holder of a licence or any specified class of licence shall, until the contrary is proved, be sufficient evidence of the matters specified therein.

PART V

GENERAL PROVISIONS RELATING TO OCCUPATIONAL HEALTH AND SAFETY

Duties of licensees to employees

9.—(1) Every licensee shall provide and maintain, so far as is practicable, for his employees who are exposed or likely to be exposed to radiations a working environment that is safe and without risks to health.

(2) Without prejudice to the generality of subsection (1), every licensee shall —

- (a) protect or cause to be protected all of his employees from exposure to radiations;
- (b) provide such information, instruction, training and supervision to such employees as are necessary to enable the employees to perform their work in a manner that is safe and without risks to health;
- (c) submit such particulars as the Director-General may require regarding each of his employees who is likely to be exposed to any radiation;
- (d) provide each of his employees such monitoring equipment or devices as may be prescribed and require all such employees to

wear these prescribed personnel monitoring equipment and devices; and

- (e) provide all of his employees with prescribed medical examinations by such registered medical practitioners as may be approved by the Director-General.

(3) The registered medical practitioners performing the medical examinations under subsection (2)(e) shall give notice to the Director-General, in such form and manner as the Director-General may require, of all employees of a licensee whose health is affected, or is reasonably suspected to be affected, by radiations.

(4) If the Director-General is satisfied that it is detrimental to the health of any employee of a licensee if he continues to be exposed to radiations, the licensee shall not permit or require that employee —

- (a) to perform any duty which will or is likely to cause that employee to be further exposed to radiations; or
- (b) to work in any place where that employee will be or is likely to be further exposed to radiations.

(5) For the purposes of this section —

- (a) “employee”, in relation to a licensee, includes —
- (i) an independent contractor engaged by the licensee; and
- (ii) any employee of an independent contractor engaged by the licensee; and
- (b) the duties of a licensee shall extend to any independent contractor engaged by the licensee and to the employees of the independent contractor, in relation to matters over which the licensee —
- (i) has control; or
- (ii) would have had control but for any agreement between the licensee and the independent contractor to the contrary.

Duties of licensees to third parties

10. Every licensee shall ensure so far as is practicable that persons (other than the employees of the licensee) are not exposed to risks to their health or safety arising from the conduct of the undertaking or activities of the licensee.

PART VI**DISPOSAL OF RADIOACTIVE WASTE****Disposal of radioactive waste**

11.—(1) No person shall, except with the prior approval in writing of the Director-General and in accordance with such conditions, limitations and exceptions as may be specified by the Director-General, dispose of or cause to be disposed of any radioactive waste.

(2) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

Accumulation of radioactive waste

12.—(1) Subject to subsection (2), no person shall, except with the prior approval in writing of the Director-General and in accordance with such conditions, limitations and exceptions as may be specified by the Director-General, accumulate any radioactive waste on any premises.

(2) Where the disposal of any radioactive waste has been approved by the Director-General under section 11 and, in accordance with that approval, the radioactive waste is required or permitted to be accumulated with a view to subsequent disposal thereof, no further approval under subsection (1) shall be required to enable the radioactive waste to be accumulated in accordance with the approval granted under that section.

(3) For the purposes of this section, where any radioactive material is produced, kept or used on any premises and any substance arising from the production, keeping or use of that radioactive material is —

- (a) accumulated in any part of the premises appropriated for the purpose; and
- (b) retained there for a period of 3 or more months,

that substance shall, unless the contrary is proved, be presumed —

- (i) to be radioactive waste; and
- (ii) to be accumulated on the premises with a view to a subsequent disposal thereof.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

Director-General may dispose of radioactive waste

13.—(1) If there is radioactive waste on any premises and the Director-General is of the opinion that the radioactive waste is unlikely to be lawfully disposed of, the Director-General shall have the power —

- (a) to dispose of that radioactive waste in such manner as the Director-General thinks fit; and
- (b) to recover from the occupier of the premises or, if the premises are unoccupied, from the owner thereof any expenses reasonably incurred by the Director-General in disposing the radioactive waste.

(2) Subject to section 33, the decision of the Director-General shall be final.

(3) For the exercise of the power referred to in subsection (1)(a), the Director-General or any other authorised officer may do anything that is necessary or expedient for carrying out the disposal of the radioactive waste, including entry to the premises and taking the radioactive waste for disposal.

Transport of radioactive waste

14.—(1) No person shall, except with the prior approval in writing of the Director-General and in accordance with such conditions, limitations and exceptions as may be specified by the Director-General, transport any radioactive waste.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

PART VII**INFORMATION AND DOCUMENTS****Maintenance of records, etc.**

15.—(1) Every licensee, and every person who has been granted any approval by the Director-General under this Act, shall —

- (a) keep and maintain such records in such form and manner, and containing such information, as may be prescribed; and
- (b) prepare and give to the Director-General such periodic reports and such special reports relating to the activity licensed or approved as may be prescribed or as the Director-General may, from time to time, direct.

(2) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Power to obtain information and documents

16.—(1) The Director-General may, by notice in writing to any person whom the Director-General considers to be capable of giving any information or document that is required to be given by Singapore to the IAEA under the Safeguards Agreement, require the person to give such information or document to the Director-General in such form and manner, and within such period, as may be specified in the notice.

(2) Notwithstanding section 44, the duty to comply with a notice given under subsection (1) is not affected by any obligation as to secrecy or other restriction on disclosure, whether imposed by written law or otherwise.

(3) Any person who, without reasonable cause, contravenes a notice given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Confidentiality

17.—(1) Subject to subsection (2), every person exercising any function under this Act shall keep confidential any information that is obtained pursuant to this Act concerning the affairs of another person, including but not limited to information with regard to any manufacturing process or trade secret.

(2) The information referred to in subsection (1) may be disclosed —

- (a) with the consent of the person to whose affairs it relates;
- (b) in connection with anything done for the purposes of this Act or the Safeguards Agreement;
- (c) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings;
- (d) in compliance with the requirement of any court, tribunal, authority or person having lawful authority to require the production of documents or the answering of questions;
- (e) for the purpose of dealing with an emergency involving public safety or ensuring the security of Singapore; or
- (f) if the information is already in the public domain.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

PART VIII**INSPECTIONS****Interpretation of this Part**

18.—(1) A reference in this section and in sections 19 and 24 to a compliance purpose is a reference to the purpose of —

- (a) determining whether the provisions of this Act have been or are being complied with;
 - (b) determining whether the conditions and limitations applicable to a licence have been or are being complied with by the licensee;
- or

(c) ensuring the proper functioning at any premises of any device, apparatus or equipment installed in the course of an inspection.

(2) A reference in sections 19, 21 and 24 to an inspection power is a reference to a power to —

- (a) search or examine any premises;
- (b) inspect or examine any matter or thing (including examining and calibrating any irradiating apparatus, instrument or measuring and control equipment);
- (c) take samples of any matter or thing for the purpose of examination or testing;
- (d) measure any quantity of nuclear material;
- (e) examine, take extracts from, or make copies of, any document (including any record kept in accordance with the requirements of this Act or the conditions of a licence);
- (f) interview any person on the premises (including making recordings of such interviews);
- (g) operate any equipment (including electronic equipment) located at the premises if the person exercising the power believes, on reasonable grounds, that the equipment can be operated without damaging it;
- (h) operate any photographic or video-recording equipment anywhere in or around the premises;
- (i) operate any radiation detection or measurement device;
- (j) apply any surveillance or containment measures; or
- (k) do anything that is prescribed or that is necessary or expedient for the carrying out of any of the acts referred to in paragraphs (a) to (j), including —
 - (i) restricting or prohibiting the access of persons and vehicles to or from the premises; and
 - (ii) applying labels, seals or other identifying and tamper-indicating devices.

(3) A power referred to in subsection (2)(a), (b), (c), (d), (g), (h), (i), (j) or (k) may only be exercised in a manner that the person authorised to

exercise it believes, on reasonable grounds, to be in accordance with safety procedures applicable at the premises.

National inspectors and inspection

19.—(1) All authorised officers shall be national inspectors for the purposes of this Act.

(2) The Director-General may, from time to time, appoint in writing any other person to be a national inspector.

(3) A national inspector may —

- (a) with the consent of the person who owns, or who is in control of, any premises; or
- (b) under a warrant issued under section 24 or 25 in respect of any premises,

enter the premises and exercise, on or in the premises, any inspection power for a compliance purpose.

IAEA inspectors and inspection

20. An IAEA inspector may —

- (a) with the consent of the person who owns, or who is in control of, any premises; or
- (b) under a warrant issued under section 25 in respect of any premises,

enter and inspect the premises pursuant to the Safeguards Agreement and exercise, in connection with the inspection, any function contemplated, and power provided for, in the Safeguards Agreement.

Persons who may accompany IAEA inspectors

21.—(1) In order to facilitate an inspection under section 20, an IAEA inspector may be accompanied by a national inspector.

(2) A national inspector may exercise any inspection power for the purpose of facilitating an inspection under section 20.

Written directions

22.—(1) The Director-General may, by notice in writing, issue directions to any person for the purpose of facilitating any inspection under this Part.

(2) Any person who, without reasonable excuse, contravenes any direction given by the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

Identification certificates

23. The Director-General shall issue to every IAEA inspector and national inspector a certificate identifying him as such IAEA inspector or national inspector, as the case may be.

Warrant for national inspection

24.—(1) A national inspector may apply for a warrant where the consent of the person who owns, or who is in control of, any premises to enter the premises to exercise any inspection power for a compliance purpose cannot be obtained or where the person refuses to give such consent.

(2) Subject to subsection (3), a Magistrate who is satisfied that there are reasonable grounds for believing that —

- (a) entry to the premises is necessary to exercise any inspection power for a compliance purpose; and
- (b) the consent of the person who owns, or who is in control of, the premises cannot be obtained or such consent is refused,

may, unconditionally or subject to conditions, issue a warrant authorising the entry of the premises, at such time as may be specified in the warrant and within 14 days of the issue of such warrant (or within such longer period as may be specified in the warrant), by the national inspector for the purpose of exercising any inspection power for a compliance purpose.

(3) The national inspector applying for a warrant shall —

- (a) before applying for a warrant, make reasonable inquiries as to whether any other application for such a warrant has been made

in respect of the premises concerned and, if so, the following matters:

- (i) the offence or offences (if any) alleged in respect of each application; and
 - (ii) the results of each application; and
- (b) disclose on the application for the warrant the results of the inquiries.

Warrant for IAEA inspection

25.—(1) The Director-General may apply for a warrant on behalf of an IAEA inspector or a national inspector where the consent of the person who owns, or who is in control of, any premises to enter the premises for the purposes referred to in section 20 cannot be obtained or where the person refuses to give such consent.

(2) Subject to subsection (3), a Magistrate who is satisfied that there are reasonable grounds for believing that —

- (a) entry to the premises is necessary for the purposes referred to in section 20; and
- (b) the consent of the person who owns, or who is in control of, the premises cannot be obtained or such consent is refused,

may, unconditionally or subject to conditions, issue a warrant authorising the entry of the premises, at such time as may be specified in the warrant and within 14 days of the issue of such warrant (or within such longer period as may be specified in the warrant), by the IAEA inspector or national inspector for the purposes referred to in section 20.

(3) The Director-General shall —

- (a) before applying for a warrant, make reasonable inquiries as to whether any other application for such a warrant has been made in respect of the premises concerned and, if so, the following matters:
 - (i) the offence or offences (if any) alleged in respect of each application; and
 - (ii) the results of each application; and
- (b) disclose on the application for the warrant the results of the inquiries.

Obligations of persons carrying out inspections

26.—(1) Every national inspector shall —

- (a) carry his identification certificate issued by the Director-General under section 23; and
- (b) produce his identification certificate to any person appearing to own, or be in control of, the premises entered —
 - (i) on entering the premises (if such a person is then present);
or
 - (ii) at any reasonable time thereafter, if asked to do so by the person.

(2) Every national inspector shall —

- (a) if, at any time between the time of entry of any premises to be inspected and the time the inspection is completed, there is no person appearing to own, or be in control of, the premises, as soon as is practicable after completing the inspection give the owner, occupier or person in control of the premises a written notice stating that the premises have been entered, and specifying the following matters:
 - (i) the time and date of entry;
 - (ii) the circumstances and purpose of entry; and
 - (iii) the name of every person entering;
- (b) where applicable, have a warrant with him and produce it if required to do so; and
- (c) where any matter, thing or document is taken, give the owner, occupier or person in control of the premises a written inventory thereof.

PART IX**ENFORCEMENT****Power of arrest**

27.—(1) An authorised officer may —

-
- (a) arrest without warrant any person whom he has reason to believe to be committing or to have committed an offence under section 5, 6, 11 or 14; and
 - (b) search the person arrested and seize anything which he reasonably considers to be evidence of the commission of the offence.

(2) No woman or girl shall be searched except by a woman.

(3) Where the authorised officer makes an arrest without warrant, he shall, without unnecessary delay, produce the person arrested before a Magistrate.

(4) The authorised officer shall not detain in custody a person arrested without a warrant for a longer period than is reasonable under the circumstances of the case.

(5) The period that a person arrested without a warrant may be detained in custody shall not exceed 48 hours, excluding the time for any necessary journey to the Magistrate's Court.

Warrant for search and seizure

28.—(1) If a Magistrate is satisfied, on information on oath, that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises or that evidence of the commission of such an offence is to be found there, the Magistrate may issue a warrant in writing to an authorised officer to enter the premises, if necessary by force, at such time as may be specified in the warrant and within 14 days of the issue of such warrant (or within such longer period as may be specified in the warrant) and to search them.

(2) An authorised officer who enters the premises under the authority of the warrant may —

- (a) take with him such other person and such equipment as appear to him to be necessary;
- (b) inspect any record, register or other document found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act;
- (c) take copies of, or seize and remove, such document;

- (d) inspect, seize and remove any device, apparatus or equipment found on the premises which he has reasonable cause to believe may be required as such evidence;
- (e) inspect, sample, seize and remove any substance, material, or other matter or thing found on the premises which he has reasonable cause to believe may be required as such evidence; or
- (f) search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession or control of any document, device, apparatus, equipment, substance, material or other matter or thing.

(3) No woman or girl shall be searched except by a woman.

Use of force

29. If force is required to enter and inspect any premises specified in a warrant issued under section 24, 25 or 28 (whether by breaking down a door or otherwise), or in breaking open anything in the premises, the person executing the warrant may use such force as is reasonable in the circumstances.

Forfeiture

30.—(1) A court may order that anything shown to the court's satisfaction to be the subject-matter of an offence under this Act or to have been used in the commission of such an offence shall be forfeited to the Agency, and either destroyed or otherwise dealt with in such manner as the court may order.

(2) The court may, in particular, order the thing to be dealt with as the Director-General may think fit, and in such a case the Director-General may direct that it be destroyed or otherwise dealt with.

(3) Where —

- (a) the court proposes to order anything to be forfeited under this section; and
- (b) a person claiming to have an interest in it applies to be heard by the court,

the court shall not order it to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.

(4) The court may make an order under this section notwithstanding that no person has been charged with or convicted of an offence under this Act in relation to the thing to be forfeited.

False or misleading statements and documents

31. Where any person who for the purpose of obtaining, whether for himself or any other person, the grant of any licence or approval under this Act, or for any other purpose in relation to this Act —

- (a) in any document prepared pursuant to this Act, makes any declaration or statement or omits any matter knowing that, or being reckless as to whether, the declaration, statement or omission makes the document false or misleading in a material particular; or
- (b) otherwise produces or makes use of any document which is to his knowledge false or misleading in any material particular,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

Obstruction, etc., of authorised officer or IAEA inspector

32.—(1) Any person who obstructs, hinders, resists or deceives any authorised officer or IAEA inspector who is exercising any function contemplated, or any power provided for, in this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Nothing in subsection (1) shall apply to a refusal to give consent to entry —

- (a) by a national inspector who is not acting pursuant to a warrant referred to in section 24 or 25;
- (b) by an IAEA inspector who is not acting pursuant to a warrant referred to in section 25; or
- (c) by an authorised officer who is not acting pursuant to a warrant referred to in section 28.

PART X

MISCELLANEOUS

Appeals

33.—(1) Any person who is dissatisfied with any decision of the Director-General under section 7, 13 or 14 may appeal to the Minister in writing within 30 days of the communication to him of the decision of the Director-General.

(2) Upon receipt of any appeal, the Minister shall appoint one or more persons to hear representations made by the appellant and the Director-General and, if such persons think fit, to inspect the premises or irradiating apparatus and to report to the Minister, who shall thereupon determine the appeal as soon as practicable.

(3) In the exercise of his power to determine an appeal, the Minister may —

- (a) dismiss such appeal;
- (b) require the Director-General to issue a licence;
- (c) quash any suspension or cancellation of a licence, or substitute a suspension of a licence for cancellation or *vice versa*; or
- (d) vary or revoke any decision of the Director-General, or substitute any decision for a decision made by the Director-General.

(4) The decision of the Minister under this section shall be final.

Protection of persons acting under Act

34. No suit or other legal proceedings shall lie personally against any authorised officer, any person acting under his direction and any other person for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

Public servants

35. All authorised officers shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Fees, charges, etc., collected by authorised officer to be paid to Agency

36. All fees, charges and other moneys recovered or collected by the Director-General or any other authorised officer under this Act (including sums collected for the composition of offences under section 40) shall be paid to the Agency.

Offences by bodies corporate, etc.

37.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Jurisdiction of courts

38. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Penalty for offences not otherwise provided for

39. Any person who contravenes any provision of this Act for which no penalty is expressly provided shall be guilty of an offence and shall be liable on conviction —

- (a) in a case where the contravention is of such a nature as to endanger or is likely to endanger human life, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; or
- (b) in any other case, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Composition of offences

40.—(1) The Director-General may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$15,000,

whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

Exemption

41. The Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit, by regulations exempt any person, premises, material or thing, or any class thereof, from all or any of the provisions of this Act, subject to such terms or conditions as may be prescribed.

Amendment of First Schedule

42.—(1) The Minister may from time to time, by order published in the *Gazette*, amend, add to or vary the First Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

(3) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Regulations

43.—(1) The Agency may, with the approval of the Minister, make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof and, in particular, may make regulations for or with respect to —

- (a) the form and manner of applying for and granting, and the fees for licences and renewals thereof, and the matters to be taken into consideration in respect of any application for or for the renewal of a licence or in respect of any proposal to suspend or cancel a licence;
- (b) the granting of different classes or types of licences under this Act;
- (c) the form of the registers to be kept under this Act;
- (d) regulating the sale, purchase or manufacture of, or the dealing with, any radioactive substance and irradiating apparatus;
- (e) regulating the transport, storage, use and disposal of any radioactive substance or irradiating apparatus;
- (f) preventing injury by radiations to any person;
- (g) securing the safe disposal of any radioactive waste product resulting from the manufacture, production, treatment, storage or use of any radioactive substance;
- (h) imposing requirements with respect to the construction or structural alteration of buildings used or intended to be used for the manufacture, production, treatment, storage or use of any radioactive substance, or in which any irradiating apparatus is used or intended to be used;
- (i) requiring persons who are exposed or are likely to be exposed to the risk of disease due to radiation from any radioactive

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- substance or irradiating apparatus to submit to medical examinations, including blood tests;
- (j) prohibiting the use of any prescribed radioactive substance or any prescribed class or description of irradiating apparatus either generally, or for prescribed purposes or otherwise than for prescribed purposes;
 - (k) prescribing the maximum working hours and minimum age of persons engaged in the manufacture, production, treatment, storage, sale or use of any radioactive substance or the use, testing or repair of any irradiating apparatus, prescribing the minimum holidays to be taken by those persons, and providing for the medical examination of those persons;
 - (l) prescribing personnel or area monitoring;
 - (m) regulating the use of any radioactive substance for therapeutic or diagnostic purposes;
 - (n) regulating the dispensing and compounding of any prescription containing any radioactive substance;
 - (o) providing for the making of returns by owners of radioactive materials of the quantities and classes of radioactive materials held by them;
 - (p) providing for the keeping by purchasers of radioactive substances of records specifying the purposes to which those substances are put, and for the inspection of those records, and for the making of returns of entries in those records;
 - (q) providing for the keeping of records of all application of radioactive substances or irradiating apparatus for diagnostic or therapeutic purposes;
 - (r) regulating the registration of mobile radioactive and irradiating laboratories;
 - (s) prescribing the fees payable for services rendered by the Director-General;
 - (t) prescribing offences in respect of the contravention of any regulation made under this section, and prescribing penalties, not exceeding \$50,000, that may, on conviction, be imposed in respect of any such offence; and

- (u) any other matter which is required or permitted to be prescribed or which is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Agency may, with the approval of the Minister, make regulations for the purposes of implementing the Safeguards Agreement, or any agreement that is concluded between Singapore and the IAEA pursuant to the Safeguards Agreement, and, in particular, may make regulations for or with respect to —

- (a) imposing on any importer, exporter, agent, forwarding agent, common carrier, consignor or consignee of goods or on any owner, agent, master or person in charge of a conveyance as may be prescribed in the regulations, the duty to furnish —
 - (i) to the Director-General; or
 - (ii) to the owner, agent, master or person in charge of a conveyance, or to a railway station-master or to such other person as may be prescribed,such particulars, information or documents as may be prescribed in respect of any nuclear material that is imported or exported;
- (b) requiring the master of any vessel to attend at the office of the Director-General or Port Master, and to furnish such particulars, information and documents, as may be prescribed;
- (c) prohibiting the issue of a port clearance to the master of any vessel pending compliance with any provision of the regulations; and
- (d) the registration of any nuclear material that is imported or exported.

Saving for other written law

44. Nothing in this Act shall be construed as to limit or in any way affect the provisions of any other written law.

Repeal

45. The Radiation Protection Act (Cap. 262) is repealed.

Consequential amendments to other written laws

46. The provisions of the Acts specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

Transitional and saving provisions

47.—(1) All acts done by the Health Sciences Authority or the Chief Executive thereof under the repealed Radiation Protection Act before the appointed day shall continue to remain valid and applicable as though done by the Agency or the Director-General under the corresponding provision in this Act, until such time as invalidated, revoked, cancelled or otherwise determined by the Agency or the Director-General, as the case may be.

(2) Any decision, direction, document, licence, consent, approval or authorisation prepared, made, issued or granted by the Health Sciences Authority or the Chief Executive thereof under the repealed Radiation Protection Act before the appointed day shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to be a decision, direction, document, licence, consent, approval or authorisation prepared, made, issued or granted by the Agency or the Director-General, as the case may be, under the corresponding provision in this Act.

(3) Where anything has been commenced by or on behalf of the Health Sciences Authority or the Chief Executive thereof under the repealed Radiation Protection Act before the appointed day, such thing may be carried on and completed by the Agency or the Director-General, as the case may be, under the corresponding provision in this Act.

(4) Where an appeal has been made to the Minister under section 17 of the repealed Radiation Protection Act and the appeal has not been dealt with or disposed of immediately before the appointed day, the appeal may be dealt with in accordance with that repealed section as if this Act had not been enacted.

(5) Any subsidiary legislation made under the repealed Radiation Protection Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed.

(6) Any written law or document referring to the repealed Radiation Protection Act or any provision thereof shall, as far as may be necessary

for preserving its effect, be construed as referring or as including a reference to this Act or the corresponding provision in this Act, as the case may be.

(7) In this section, “appointed day” means the date of commencement of the Radiation Protection Act 2007.

FIRST SCHEDULE

Sections 2(1) and 42

DEFINITION OF “NUCLEAR MATERIAL”

1. In this Act, “nuclear material” means —

- (a) any source material (not being ore or ore residue); or
- (b) any special fissionable material.

2. For the purposes of paragraph 1 —

“source material” means —

- (a) uranium containing the mixture of isotopes occurring in nature;
- (b) uranium depleted in the isotope 235;
- (c) thorium;
- (d) any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; or
- (e) any other material containing one or more of the foregoing in such concentration as the IAEA Board of Governors shall from time to time determine;

“special fissionable material” means —

- (a) plutonium-239;
- (b) uranium-233;
- (c) uranium containing the isotopes 235 or 233, or both, in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or
- (d) any material containing one or more of the foregoing,

but does not include source material.

SECOND SCHEDULE

Section 46

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS*First column**Second column*

- (1) Environmental Public Health Act
(Chapter 95, 2002 Ed.)

Section 2

Delete the words “Radiation Protection Act (Cap. 262)” in paragraph (c) of the definition of “dangerous substance” and substitute the words “Radiation Protection Act 2007”.

- (2) Health Sciences Authority Act
(Chapter 122C, 2002 Ed.)

Section 11(1)

Delete the words “, tobacco products, radioactive materials and irradiating apparatuses” in paragraph (a) and substitute the words “and tobacco products”.

- (3) National Environment
Agency Act
(Chapter 195, 2003 Ed.)

(a) Section 11(1)

(i) Insert, immediately after the word “environment,” in paragraphs (u) and (v), the word “radiation,”.

(ii) Delete the word “and” at the end of paragraph (v), and insert immediately thereafter the following paragraph:

“(w) to control and regulate the import, export, possession, storage, transportation, sale and use of radioactive materials and irradiating apparatus; and”.

(iii) Re-letter the existing paragraph (w) as paragraph (x).

<i>First column</i>	<i>Second column</i>
(b) Section 12	<p>(i) Insert, immediately after the words “environmental protection,” in paragraphs (a), (d), (e) and (f), the words “radiation control,”.</p> <p>(ii) Insert, immediately after the words “environmental pollution control,” in paragraph (c), the words “radiation control,”.</p>
(c) —	<p>Insert, immediately after section 38, the following section:</p> <p>“Transfer to Agency of property, employees, existing contracts, etc., from Health Sciences Authority relating to Centre for Radiation Protection</p> <p>38A.—(1) As from the appointed day, such movable and immovable property vested in the Health Sciences Authority as may be determined by the Minister for Finance and used or managed by the Centre for Radiation Protection and all assets, interests, rights, privileges, liabilities and obligations of the Health Sciences Authority relating to the Centre for Radiation Protection shall be transferred to and shall vest in the Agency without further assurance, act or deed.</p> <p>(2) As from the appointed day, all persons employed immediately before that day by the Health Sciences Authority and posted to the Centre for Radiation Protection shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.</p> <p>(3) All deeds, contracts, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the</p>

*First column**Second column*

Health Sciences Authority is a party and relating to the Centre for Radiation Protection or to any person transferred to the service of the Agency under subsection (2) shall continue in force on and after that day and shall be enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the Health Sciences Authority.

(4) Section 32(2) to (5) shall apply, with the necessary modifications, to the transfer of property, assets, interests, rights, privileges, liabilities and obligations referred to in subsection (1).

(5) Sections 33(2), 34, 35, 37 and 38 shall apply, with the necessary modifications, to the transfer of persons referred to in subsection (2).

(6) In this section, “appointed day” means the date of commencement of the Radiation Protection Act 2007.”
