

Atomic Energy Commission Act, 1963

Act 204

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THE TWO HUNDRED AND FOURTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED

THE ATOMIC ENERGY COMMISSION ACT, 1963

AN ACT to establish an Atomic Energy Commission for Ghana, to make provision as to their powers, duties, rights and liabilities, and for purposes connected with the matters aforesaid.

DATE OF ASSENT: *3rd December, 1963*

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

The Ghana
Atomic
Energy
Commis-
sion.

1. (1) There is hereby established a Commission, to be called the Ghana Atomic Energy Commission (hereafter in this Act referred to as "the Commission") who shall exercise and perform the functions assigned to the Commission by this Act.

(2) The Commission shall consist of a chairman and not less than three and not more than eight other members all of whom shall be appointed by the President. In addition the Director of the Institute shall, *ex officio*, be a member of the Commission.

(3) Every member of the Commission shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment, but in

no case shall any one period of office of a member exceed two years and any member may at any time by notice in writing to the President resign his office.

(4) In addition to the members of the Commission the President may, on the advice of the chairman of the Commission, appoint one or more persons to act as advisers to the Commission; and the Commission may pay to any advisers so appointed such travelling, subsistence and other allowances as the Commission may determine.

(5) The secretary of the Commission shall be the secretary of the Ghana Academy of Sciences (hereafter in this Act referred to as "the Academy").

(6) The provisions of the First Schedule to this Act (which relate to the procedure of and other similar matters concerning the Commission) shall have effect with respect to the Commission.

2. (1) On the coming into operation of this Act the Commission shall take over from the Atomic Energy Committee all activities then being carried on by that Committee and shall assume sole responsibility in Ghana for all matters relating to the peaceful uses of atomic energy, and the said Committee shall thereupon cease to exist.

Functions
of the Com-
mission.

(2) The Commission shall have power—

- (a) to maintain relations with the International Atomic Energy Agency and other similar international bodies;
- (b) to make arrangements with other African countries and with the universities or other institutions of such countries for the conduct of research into matters connected with the peaceful uses of atomic energy;
- (c) to make proposals to the Government for legislation in the field of atomic energy;
- (d) to advise the Government on questions relating to atomic energy;
- (e) to promote scientific and technical education in matters connected with the peaceful uses of atomic energy and to promote the establishment of the necessary installations for such education;
- (f) to prospect for and use radioactive minerals and to produce, distribute and develop the uses of radioisotopes; and
- (g) to supervise generally the carrying out of all requirements designed to secure the safety and health of persons employed in work in the course of which they may be exposed to the risk of injury from ionising radiations.

(3) For the purposes of the exercise and performance of their functions under this Act the Commission may acquire and dispose of land and other property and may enter into contracts and other transactions.

Relationship between the Commission and the Academy.

3. (1) In the exercise of their functions under this Act the Commission shall be directly responsible to the President of the Academy who shall decide which parts of the Commission's proposed atomic energy programme are to be placed before and considered by the Praesidium of the Academy and which parts are to be placed before and considered by the Research Committee of the Academy.

(2) Without prejudice to the foregoing subsection the Commission shall at all times maintain close contact with and consult the said Praesidium and Research Committee in all matters relating to the Commission's proposed atomic energy programme.

(3) The President of the Academy shall have power to give the Commission such directions as he may think fit and the Commission shall comply with any directions so given.

(4) The Commission shall furnish the President of the Academy with such returns, accounts and other information with respect to their property and activities as he may from time to time require and shall prepare programmes and estimates of expenditure in such form and at such times as he may require.

(5) The Commission shall as soon as practicable after the end of each financial year make to the President of the Academy a report on the exercise and performance by the Commission of their functions during that year.

Financial provisions as to the Commission.

4. (1) The funds of the Commission shall include—

- (a) grants made to the Commission by the Government, any such grants to be charged on the Consolidated Fund;
- (b) any loan granted to the Commission by the Government or by any person;
- (c) any moneys accruing to the Commission in the course of the discharge of their functions.

(2) The provisions of the Second Schedule hereto (which relate to the keeping of accounts and other records by the Commission and the auditing and publication of such accounts) shall have effect with respect to the Commission.

Staff.

5. (1) The Commission may employ such number of persons as may appear expedient for the proper and efficient discharge of the functions of the Commission and of the Institute.

(2) Public officers may be transferred or seconded to the Commission or otherwise give assistance thereto.

(3) The terms and conditions of service of any person employed by the Commission in any position shall be the same as the terms and conditions of a person employed by the Academy in a corresponding position; and, accordingly, the provisions of the Ghana Academy of Sciences Instrument, 1963 (E.I.5), relating to terms and conditions of service shall apply in relation to employees of the Commission as if they were employees of the Academy.

6. (1) Any land or any right over any land required for the exercise and performance by the Commission of their functions under this Act shall be deemed to be land or a right required in the public interest for the purposes of the Acts specified in the next following subsection, and the provisions of those Acts shall accordingly apply subject to the modification that any sum due to any person by way of compensation under any of those provisions, together with any costs, shall be defrayed out of the funds of the Commission.

Compulsory acquisition of land.

(2) The Acts referred to in the foregoing subsection are the Administration of Lands Act, 1962 (Act 123), the State Lands Act, 1962 (Act 125), and the Lands (Statutory Wayleaves) Act, 1963 (Act 86).

7. (1) It shall be the duty of the Commission to secure that no nuclear damage results from—

Duty of the Commission to prevent nuclear damage.

- (a) anything on any premises occupied by them (whether such damage is suffered on such premises or elsewhere); or
- (b) anything which is in the course of carriage on their behalf to or from such premises; or
- (c) any waste discharged (in whatever form) on or from such premises:

Provided that the liability of the Commission for nuclear damage under paragraph (b) of this subsection shall be subject to the terms of any agreement relating to the carriage referred to in that paragraph.

(2) Any nuclear installation operated in Ghana under the supervision of the Institute shall be deemed for all purposes to be operated by the Commission on premises occupied by them, and the

duty imposed on the Commission by the foregoing subsection shall be deemed to be a duty imposed on them to the exclusion of any other person or body (including the said Institute).

Kwame
Nkrumah
Nuclear
Research
Institute.

8. (1) The Commission shall establish an Institute, to be known as the Kwame Nkrumah Nuclear Research Institute.

(2) The Institute shall consist of a Director and such other members as the Commission, with the prior approval of the President, may appoint.

(3) The Director shall be responsible directly to the chairman of the Commission in the exercise of his functions.

(4) The management and procedure of the Institute shall, subject to the provisions of this section, be such as the Commission may, either in bye-laws made under the First Schedule hereto or otherwise, determine.

Functions of
the Institute.

9. The Institute shall, subject to the provisions of this Act, be responsible for—

- ✓ (a) the supervision and control of the building of any nuclear installation established by or on behalf of the Commission;
- (b) the supervision of, and the administration connected with, the operation of any such nuclear installation;
- (c) the promotion, in conjunction with the Universities, of advanced specialized teaching of and training in nuclear science and technology;
- (d) securing close co-operation between the Universities in their teaching of and research into the peaceful uses of atomic energy; and
- (e) promoting and maintaining close co-operation between the Institute and other research or industrial bodies concerned with such teaching and research.

Regulations.

10. The President may, by legislative instrument, make regulations for giving effect to the provisions of this Act and in particular, but without prejudice to the generality of the foregoing words, any regulations made under this section may make provision for—

- (a) securing the safe operation of any nuclear installation operated under the supervision of the Institute;
- (b) securing the safe carriage of any nuclear fuel, radioactive products or waste;
- (c) regulating and controlling the disposal of waste on or from any premises on which there is a nuclear installation; and

- (d) securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from anything discharged on or from such premises, or from anything in the course of carriage to or from such premises.

11. In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say— Interpretation.

- “the Academy” means the Ghana Academy of Sciences;
- “atomic energy” means the energy released during the transformation of atomic nuclei;
- “the chairman” means the chairman of the Commission;
- “the Commission” means the Ghana Atomic Energy Commission;
- “financial year” means, as respects the first financial year of the Commission, the period extending from the commencement of this Act to the 30th day of September, 1964;
- “the Institute” means the Kwame Nkrumah Nuclear Research Institute established under section 8 of this Act;
- “nuclear damage” means the death of or injury to any person or any loss of or damage to property which results from the radioactive properties, or from a combination of such properties with the toxic, explosive or other hazardous properties, of nuclear fuel or radioactive products or waste;
- “nuclear fuel” means any material which is capable of producing energy by a self-sustaining process of nuclear fission;
- “nuclear installation” means—
 - (a) any installation (other than a nuclear reactor installed in a means of transport as a source of power) which contains nuclear fuel so arranged that a self-sustained chain process of nuclear fission can occur therein without an additional source of neutrons;
 - (b) any other installation in which nuclear fuel, other than natural or depleted uranium, or any radioactive products or waste are produced, used, processed or stored;
- “radioactive products” means any radioactive material produced in, or any material made radioactive by exposure to the radiation incidental to, the process of producing or utilizing nuclear fuel;

“the Universities” means the University of Ghana, the Kwame Nkrumah University of Science and Technology and any other university for the time being established in Ghana; and

“waste” means such radioactive products as constitute scrap material or an effluent or other unwanted surplus substance.

FIRST SCHEDULE

Section 1

PROCEDURAL PROVISIONS AS TO THE COMMISSION

1. The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name, and it shall be within the capacity of the Commission as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the exercise and performance of their functions under this Act.

2. The Commission may act notwithstanding a vacancy among their members or a defect in the appointment of any member.

3. The Commission shall meet for the dispatch of business at such times and at such places as the chairman may from time to time appoint, and in any case not less than once in every three months.

4. If the chairman is absent from any meeting of the Commission a person nominated by the President of the Academy or, if no such person is nominated, a member appointed by the members present shall preside.

5. Any question proposed at any meeting of the Commission shall be decided by a simple majority of the members present and voting. In the event of an equality of votes the chairman or other member presiding shall have a casting vote.

6. The quorum at any meeting of the Commission shall be three or, where not more than two members of the Commission are present in Ghana at any time, two.

7. Subject to the foregoing provisions of this Schedule the Commission may regulate their own procedure, and for that purpose and for the purposes referred to in subsection (4) of section 8 of this Act may make bye-laws.

SECOND SCHEDULE

Section 4

ACCOUNTS AND AUDIT OF THE COMMISSION

1. The Commission shall prepare and keep proper books of account and proper records in relation thereto.

2. Subject to any directions as to form given by or on behalf of the President the Commission shall prepare as respects each financial year a statement of account which includes—

- (a) a balance sheet, a statement of income and expenditure, a statement of the surplus (if any) of income over expenditure and a statement containing such further information as, were the Commission a company registered under the Companies Code, 1963 (Act 179), would be required to be laid before the company by the directions at an annual general meeting; and
- (b) such other information in respect of the financial affairs of the Commission as the President may require.

3. The Commission shall, not later than six months after the end of each financial year, furnish the President with the statement of account prepared in accordance with the last foregoing paragraph and the President shall, as soon as is practicable thereafter, cause the statement to be laid before the National Assembly.

4. The books and accounts of the Commission shall be audited each year by the Auditor-General or by an auditor appointed by the Commission after consultation with him (hereafter in this Schedule referred to as "the auditor").

5. The auditor shall, not later than six months after the end of each financial year, furnish the President with a copy of the audited accounts of the Commission together with his report thereon.

6. In the report furnished to the President in pursuance of the last foregoing paragraph the auditor shall give the results of his examination of the accounts and other financial statements prepared by the Commission under this Schedule and shall state whether in his opinion—

- (a) proper books of account have been kept by the Commission;
- (b) the balance sheet gives an accurate and fair view of the state of the Commission's affairs as at the end of the financial year; and

(c) the statement of income and expenditure gives an accurate and fair view of the income and expenditure and profit or loss of the Commission for the financial year.

7. The auditor's annual report shall, if practicable be included in the report made in pursuance of subsection (5) of section 3 of this Act.

8. The President may cause to be laid before the National Assembly each year a copy of the audited accounts of the Commission together with the auditor's report thereon.