

(5) After the review under sub-section (4), the Agency may either approve the environmental impact assessment or recommend to the Federal Government that the project be modified or rejected in the interest of environmental objectives.

Agency to assist local council etc., in disposal of wastes.

9. The Agency shall assist the local councils, local authorities or other Government agencies and persons to implement schemes for the proper disposal of wastes in line with the standards and procedures prescribed by the Agency.

Funds of the Agency.

10. The funds of the Agency shall be derived from the following sources, namely :—

- grants made and loans advanced by the Federal Government or the Provincial Government ;
- grants, loans, advances and other moneys received from local or international agencies ;
- fees, rates and charges received by the Agency under the provisions of this Ordinance ; and
- all other sums received by the Agency.

Audit and accounts.

11.—(1) The Agency shall submit its annual budget estimates for approval of the Federal Government through the Council.

(2) The Agency shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by rules.

(3) The accounts of the Agency shall be audited in such manner as may be directed by the Federal Government.

Penalty.

12.—(1) Whoever contravenes or fails to comply with any provision of this Ordinance or of any rule or regulation or any direction issued by the Agency thereunder, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both, and in the case of a continuing contravention or failure, with an additional fine which may extend to ten thousand rupees for every day after the first during which such contravention or failure continues.

(2) The Director General or an officer generally or specially authorised by him in this behalf may compound any offence under this Ordinance.

Indemnity.

13. No suit, prosecution or other legal proceeding shall lie against the Council, the Agency, the Director General, or the members, officers, employees, experts or consultants of the Agency for anything in good faith done or intended to be done under this Ordinance or any rule or regulation.

Bar of jurisdiction.

14. No Court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Agency.

15. Any dues recoverable by the Agency under the provisions of this Ordinance or any rules or regulations shall be recoverable as an arrear of land revenue.

Dues of Agency recoverable as an arrear of land revenue.

16. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Power to make rules.

17.—(1) The Agency may, by notification in the official Gazette, with the approval of the Federal Government, make regulations, not inconsistent with the provisions of this Ordinance or the rules, for carrying out the purposes of this Ordinance.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for the levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented by the Agency.

THE PAKISTAN NUCLEAR SAFETY AND RADIATION PROTECTION ORDINANCE, 1984.

ORDINANCE No. IV OF 1984

[26th January, 1984]

An Ordinance to provide for the regulation of nuclear safety and radiation protection in Pakistan.

WHEREAS it is expedient to provide for the regulation of nuclear safety and radiation protection in Pakistan and for matters connected therewith or ancillary thereto ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Pakistan Nuclear Safety and Radiation Protection Ordinance, 1984.

Short title, extent and commencement.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "atomic energy" has the same meaning as in the Pakistan Atomic Energy Commission Ordinance, 1965, and includes X-rays ;

(b) "Chairman" means the Chairman of the Commission ;

- (c) "Commission" means the Pakistan Atomic Energy Commission established under the Pakistan Atomic Energy Commission Ordinance, 1965; XVII of 1965.
- (d) "Inspector" means a person designated as such under sub-section (1) of section 7;
- (e) "ionizing radiation" means electromagnetic or particulate radiation capable of producing ions directly or indirectly in its passage through matter;
- (f) "Licence" means a licence issued under sub-section (1) of section 6;
- (g) "nuclear damage" means loss of life, any personal injury, or any loss of or damage to property which arises out of or results from the radioactive properties, or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear substances, radioactive materials or radioactive products or wastes in, or of nuclear materials coming from, originating in, or sent to, a nuclear installation or from the ionizing radiation emitted by any other source of radiation inside a nuclear installation or radiation apparatus;
- (h) "nuclear fuel" means any material, which is capable of producing energy by a self-sustaining chain process of nuclear fission, nuclear fusion or other nuclear transmutation;
- (i) "nuclear incident" means any occurrence or series of occurrences having the same origin, which causes nuclear damage;
- (j) "nuclear installation" includes—
- any nuclear reactor used for the production of heat, power or isotopes for research or for any other purpose;
 - any facility using nuclear fuel for the production of nuclear material, or for the processing and enrichment of nuclear materials including the reprocessing of irradiated nuclear fuel; and
 - any facility where nuclear substance is stored, either permanently, temporarily or during transit;
- (k) "nuclear materials" means—
- nuclear fuel, other than natural uranium and depleted uranium, and includes materials capable of producing energy by a self-sustaining chain process of nuclear fission outside a nuclear reactor, either alone or in combination with some other material; and

(b) radioactive products and wastes;

- "nuclear substance" means any substance or nuclear material which the Commission determines as being a substance or material which may be used for production of or use in atomic energy or for research into matters connected therewith, and includes all substances obtained or obtainable from the soil or water by under ground or surface working or from the atmosphere;
- "operator" in relation to a nuclear installation means the person licensed under section 6;
- "person" means any individual, corporation; partnership, firm, association, trust, estate, public or private institution, group, government agency including the Commission, any state or any political sub-division or any political entity within a state, any foreign government or nation, or any political sub-division of any such government or nation or other entity, and includes any legal successor, representative, agent or agency of any of the aforesaid;
- "prescribed" means prescribed by regulations;
- "radiation accident" is an abnormal event leading to the loss of control over a radiation source which can directly or indirectly involve nuclear damage;
- "radiation apparatus" means any accelerator or any other equipment which emits ionizing radiation, including X-ray machines used for medical, surgical or dental diagnosis or treatment of human beings;
- "radioactive materials" includes nuclear fuel, nuclear materials, and nuclear substances naturally occurring or artificially produced, provided that the specific activity of the material is not less than 0.074 kbq/gm (0.002 microcuries per gram);
- "regulations" means regulations made under section 8; and
- "vehicle" means any ship, railway train, bus, automobile, truck, aircraft or any other means of transportation by sea, land or air.

3. This Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

Ordinance to
override
other laws.

4.—(1) For the purpose of controlling, regulating and supervising all matters related to nuclear safety and radiation protection measures the Commission shall have the power to—

Powers of
the Commission, etc.

- make and enforce such regulations, orders or codes of practice for nuclear safety and radiation protection as may in its opinion be necessary;

- (b) plan, develop and execute comprehensive policies and programmes for the protection of life, health and property against the risks of ionizing radiation ;
- (c) control and regulate the radiation safety aspects of exploitation of radioactive ores and the production, import, export, transport, possession, processing, reprocessing, use, sale, transfer, storage or disposal of nuclear substances and radioactive materials or any other prescribed substance or equipment used for production or application of nuclear energy ;
- (d) direct all Federal, Provincial, Local and other authorities to immediately enforce all necessary measures to mitigate the effects of nuclear incident on public health and environment ;
- (e) issue licences for the production, storage, disposal, trade in and use of nuclear substances and radioactive materials or any other prescribed substance or equipment used for production or application of nuclear energy ;
- (f) establish the extent of insurance to be carried by a licensee against the risks of nuclear damage to the public ;
- (g) inspect all licensed installations to ensure that the regulations are being properly followed ;
- (h) advise Government departments, educational and research institutions, public or private industry and other undertakings on questions related to nuclear safety and radiation protection ; and
- (i) do all such other acts and things, including research and development, as may be necessary for giving effect to the provisions of this Ordinance.

(2) The Commission shall make all necessary organisational arrangements, including the establishment of a Directorate of Nuclear Safety and Radiation Protection, to execute, enforce and supervise nuclear safety and radiation protection measures under the powers conferred upon the Commission by or under this Ordinance.

(3) The Commission may, by general or special order in writing, direct that such of its powers, under this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or such officers of the Commission as may be so specified.

(4) The Commission may, from time to time, appoint such Advisory Committees or other bodies as it may consider necessary for assisting the Commission in the performance of its functions generally, or for advising on or evaluating any particular radiation safety aspect under the provisions of this Ordinance.

(5) In the performance of its functions, the Commission shall be guided on questions of policy by the instructions, if any, given to it by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

5. On or after such date as the Commission may, by notification in the official Gazette, appoint in this behalf, no person shall, unless he is exempted by the regulations or unless he is the holder of a licence issued by the Commission authorising him to do so,—

Licence required for certain activities

- (a) acquire, manufacture, construct, install or operate any nuclear installation or radiation apparatus ;
- (b) explore for, mine, mill, extract, use, sell, lease, buy, transfer, transport, import, export, convert, enrich, process, reprocess, fabricate or dispose of any nuclear substance or nuclear material or other prescribed substances ;
- (c) discharge radioactive waste ;
- (d) cause a nuclear powered vehicle to enter Pakistan ; or
- (e) manufacture, sell, distribute or otherwise dispose of food that has been treated or contaminated by ionizing radiation.

6.—(1) The Commission may, on application made to it accompanied by the prescribed fee, issue a licence authorising the carrying out of such activities as are specified in the licence for such period as may be so specified.

Licences.

(2) The Commission may require an applicant to demonstrate by submitting the required information that the activity for which the licence is required would not be hazardous to public or the environment.

(3) The Commission may prescribe terms and conditions that may be attached to a licence including the condition to have and maintain financial protection for nuclear damage to cover public liability claims.

(4) The Commission may require the establishment of effective reporting procedures in respect of radiation accidents and ensure that the plans for mitigating the effects of nuclear incidents have been prepared.

7.—(1) The Commission may designate any person as an Inspector for the purposes of this Ordinance.

Inspectors.

(2) An Inspector may—

- (a) enter, inspect and search any installation, place, vehicle or premises to verify that the provisions of this Ordinance and the regulations and the terms and conditions of a licence issued thereunder are being complied with ;

(b) examine records, carry out tests and investigations and obtain information for safety evaluation ; and

✓ (c) direct such actions to be taken to protect the health and safety of public and the environment as may be specified in the regulations from time to time.

(3) If in the opinion of an Inspector a violation of the conditions of a licence has taken place in any premises, he may with the approval of the Commission, order work to be stopped in the said premises until he is satisfied that the risks to public and the operator holding the licence is not greater than that when the licence was granted.

Power to make regulations. 8. The Commission may, by notification in the official Gazette, make regulations—

(a) for controlling, licensing and supervising the use and application of atomic energy and the activities referred to in section 5 ;

✓ (b) for prescribing the procedure to be followed for the issuance, amendment, renewal, suspension and revocation of a licence and the terms and conditions that may be attached to a licence ;

* (c) for the general protection of the public and the environment from hazards associated with the activities referred to in section 5 ;

(d) for providing for the protection of persons who, because of their work or professional activity, may come into contact with, or may be exposed to, nuclear substances, radioactive materials or other prescribed substances ;

(e) for establishing safety standards and codes ;

(f) for prescribing special precautions to be taken to protect nuclear substances, radioactive materials and other prescribed substances from being lost, stolen or destroyed or falling into the possession of unauthorised persons ;

(g) for prescribing the manner in which nuclear substances, radioactive materials and other prescribed substances are to be stored, packaged, handled and prepared for transportation ;

(h) for prescribing nuclear installations or classes of persons which or who are exempted from the application of section 5.

(i) for prescribing the procedure to be followed for the distribution of compensation to victims of nuclear damage ; and

(j) generally for carrying out the purposes of this Ordinance.

9.—(1) Any person who contravenes, or fails to comply with, any provision of section 5 or the regulations or the conditions of a licence shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one hundred thousand rupees, or with both.

Offences, penalties, and procedure.

(2) No Court shall take cognizance of an offence punishable under this Ordinance except upon complaint in writing made by a person authorised in writing in this behalf by the Commission.

THE IMPORT OF GOODS (DEVELOPMENT SURCHARGE) ORDINANCE, 1984.

ORDINANCE NO. VII OF 1984

[5th February, 1984]

An Ordinance to provide for the levy and collection of a development surcharge on certain goods imported through the Karachi customs-port.

WHEREAS it is expedient to provide for the levy and collection of a development surcharge on certain goods imported through the Karachi customs-port to re-imburse to the Karachi Port Trust the expenditure incurred by it on the construction of the Jinnah Bridge over the China Creek, Karachi ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Import of Goods (Development Surcharge) Ordinance, 1984.

Short title and commencement.

(2) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, appoint.

2.—(1) There shall be levied and collected on all goods, other than foodgrains, fertilizers and petroleum products, imported through the Karachi customs-port a development surcharge at the rate of three rupees and fifty paise per ton.

Levy of surcharge.

XXV of 1961. Explanation.—In this sub-section, " petroleum products " has the same meaning as in the Petroleum Products (Development Surcharge) Ordinance, 1961.

(2) As soon as may be after the close of each month, the proceeds of the development surcharge recovered during that month shall, after deduction of two and one half per cent. thereof as expenses of collection and recovery, be paid to the Federal Government.