



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE NUCLEAR REGULATORY ACT

NO. 29 OF 2019

2019

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 29 OF 2019

NUCLEAR REGULATORY ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title
2. Interpretation
3. Objects and purposes of the Act
4. Application of the Act

PART II – KENYA NUCLEAR REGULATORY AUTHORITY

5. Establishment of the Authority
6. Functions of the Authority
7. Powers of the Authority
8. Composition of the Board
9. Director-General
10. Staff of the Authority
11. Conduct of business and affairs of the Board
12. Remuneration of the Board
13. Protection from personal liability
14. Liability of Authority for damages
15. Common seal of the Authority

PART III – FINANCIAL PROVISIONS

16. Funds for the Authority
17. Financial year
18. Annual estimates
19. Accounts and Audit
20. Investment of funds

**PART IV – REGULATORY CONTROL: NOTIFICATIONS,
AUTHORIZATIONS, INSPECTIONS AND ENFORCEMENT**

21. Notifications
22. Authorization
23. Categories for authorization
24. Suspension, revocation or modification of an authorization
25. Primary responsibility for safety
26. Right of review of a decision
27. Inspection objectives and programmes
28. Appointment of inspectors
29. Powers of inspectors
30. Enforcement
31. Oversight role by the Authority

PART V – RADIATION PROTECTION

- 32. Regulatory control for radiation protection
- 33. Radiation protection requirements
- 34. Consumer products
- 35. Medical exposure
- 36. Intended radiological exposures with trans boundary effects

PART VI – SAFETY OF RADIATION SOURCES AND FACILITIES

- 37. Control of radiation sources
- 38. Responsibility for radiation sources
- 39. National register for radiation sources
- 40. Reports on loss of a radiation sources
- 41. Open sources
- 42. Maining and milling licences

PART VII – SAFETY OF NUCLEAR
FACILITIES AND DECOMMISSIONING

- 43. Authorization of nuclear facilities
- 44. Responsibility for safety of facilities and activies
- 45. Site evaluation
- 46. Authorization for construction and operations
- 47. Extended shutdown for reactors
- 48. Decommissioning requirements
- 49. Decommissioning plan
- 50. Decommissioning responsibilities
- 51. Finances for decommissioning

PART VIII – DECOMMISSIONING FUND

- 52. Establishment of the Fund
- 53. Sources of funds for the Fund
- 54. Administration of the Fund
- 55. Functions of the Fund
- 56. Other matters to be prescribed

PART IX – EMERGENCY PREPAREDNESS AND RESPONSE

- 57. Rose of the Authority
- 58. Failure by an applicant to develop an emergency preparedness and response plan
- 59. Emergency preparedness and response
- 60. Implementation of emergency preparedness and response plan
- 61. Trans-boundary nuclear or radiological emergency
- 62. Information to public about plan

PART X – TRANSPORTATION OF RADIOACTIVE MATERIAL

- 63. Transport of radioactive material
- 64. Offences relating to transport
- 65. Duty to exercise reasonable care by carrier
- 66. Radiation protection transport plan
- 67. Emergency response in transportation

68. Segregation of material

PART XI – EXPORT AND IMPORT CONTROLS

69. Controlled items
70. Export licensing criteria
71. Import licensing criteria
72. Illicit trafficking

PART XII – RADIOACTIVE WASTE
AND SPENT FUEL MANAGEMENT

73. Scope and principles of radioactive waste and spent fuel management
74. Responsibility for radioactive waste and spent fuel management
75. Classification of radioactive waste
76. Waste management plan
77. Offences relating to radioactive waste and spent fuel
78. Collection, segregation and characterization of radioactive waste
79. Discharge of radioactive waste
80. Authorization to operate a radioactive waste and spent fuel management facility
81. Radioactive waste imports
82. Radioactive waste exports

PART XIII – SAFEGUARDS

83. Peaceful uses
84. Application of safeguards
85. Safeguard inspections
86. Designation of inspectors
87. State system of accounting for and control of nuclear material
88. Information requirements for research and development activities related to the nuclear fuel cycle

PART XIV – NUCLEAR SECURITY AND PHYSICAL PROTECTION

89. Threat assessment processes
90. Primary responsibility for physical protection
91. International co-operation and assistance
92. Restrictions
93. Protection of confidential information
94. Offences relating to nuclear facilities

PART XV – MISCELLANEOUS PROVISIONS

95. Offences by employees and agents
96. General penalty
97. Appointment of prosecutors
98. Regulations

PART XVI – TRANSITIONAL PROVISIONS

99. Repeal of Cap. 243
100. Authority to be successor of Radiation Protection Board
101. Transfer of staff