

Version  
as at 28 October 2021



## Atomic Energy Act 1945

Public Act 1945 No 41  
Date of assent 7 December 1945  
Commencement 7 December 1945

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

8	Uranium in its natural condition to be property of Crown <i>[Repealed]</i>	6
9	No compensation for uranium in natural condition <i>[Repealed]</i>	6
10	Minister may mine for prescribed substances <i>[Repealed]</i>	6
11	Disposal of land acquired but no longer required for purposes of this Act <i>[Repealed]</i>	6
12	No person to possess fissionable substances, etc, without consent	6
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**An Act to make provision for the control in New Zealand of the means of producing atomic energy and for that purpose to provide for the control of the mining and treatment of the ores of uranium and other elements which may be used for the production of atomic energy, and to provide for the vesting of such substances in the Crown**

**1 Short Title**

This Act may be cited as the Atomic Energy Act 1945.

**2 Interpretation**

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

**atomic energy** means the energy released from atomic nuclei as a result of any process, including the fission process; but does not include energy released in any process of natural transmutation or radioactive decay which is not accelerated or influenced by external means

**Minister** means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**Minister of Research, Science, and Technology** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Research, Science, and Technology Act 2010

**New Zealand** includes any territory subject to the protection, mandate, trusteeship, or authority of the Government of the Dominion of New Zealand, including the Cook Islands

**prescribed substance** means uranium, thorium, plutonium, neptunium, or any of their respective compounds, or any such other substance as the Minister may prescribe by notice, being a substance which in his opinion is or may be used for the production of atomic energy or research into matters connected therewith (*see* subsection (2))

**Secretary** means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**uranium** includes thorium and all natural substances, chemical compounds, and physical combinations of uranium or thorium.

- (2) A notice under the definition of prescribed substance is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 2(1) **atomic energy**: replaced, on 4 October 1957, by section 2(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 2(1) **Minister**: replaced, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 2(1) **Minister for Scientific and Industrial Research**: repealed, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 2(1) **Minister of Research, Science, and Technology**: inserted, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 2(1) **Minister of Research, Science, and Technology**: amended, on 1 February 2011, by section 18 of the Research, Science, and Technology Act 2010 (2010 No 131).

Section 2(1) **prescribed substance**: inserted, on 4 October 1957, by section 2(3) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 2(1) **prescribed substance**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **Secretary**: inserted, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 2(1) **uranium**: replaced, on 4 October 1957, by section 2(2) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 2(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 3 Application of Act in Cook Islands

This Act shall extend to and be in force in the Cook Islands.

Section 3: amended, at 11 pm on 1 January 1962, by section 9 of the Western Samoa Act 1961 (1961 No 68).

#### **4 Notification of discovery of uranium**

(1) Every person who, whether before or after the passing of this Act, has discovered that any prescribed substance occurs at any place in New Zealand shall, within 3 months after the passing of this Act or after making the discovery, whichever is the later, report the discovery by written notice (which shall specify the place where the discovery took place, and the date of the discovery) to the Secretary.

(2) *[Repealed]*

Section 4(1): amended, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 4(1): amended, on 1 April 1978, by section 24 of the Ministry of Energy Act 1977 (1977 No 33).

Section 4(1): amended, on 4 October 1957, by section 2(4)(a) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 4(1): amended, on 4 October 1957, by section 2(4)(b) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 4(2): repealed, on 4 October 1957, by section 3(2) of the Atomic Energy Amendment Act 1957 (1957 No 12).

#### **4A Grants of rewards in respect of the discovery of prescribed substances**

*[Repealed]*

Section 4A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

#### **4B Grants to assist persons prospecting for or producing prescribed substances**

*[Repealed]*

Section 4B: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

#### **5 Minister may control mining or concentrating of substances containing uranium**

(1) If the Minister is satisfied that any person is mining or is about to mine any prescribed substance or is engaged or about to engage in carrying out any physical, chemical, or metallurgical process as a result of which, in the opinion of the Minister, any prescribed substance may reasonably be expected to be isolated or extracted, the Minister may, by notice in writing given to that person, require him in conducting the mining operations or in carrying out any process as aforesaid to comply with and observe such terms and conditions as the Minister may in the notice think fit to impose for the purpose of public health and safety.

(2) Without prejudice to the generality of the last preceding subsection, the Minister may require that the mining operations shall be so conducted, or that such process for treatment and concentration shall be used, as will provide for or facilitate the extraction, isolation, or concentration of the prescribed substance.

Section 5(1): replaced, on 4 October 1957, by section 5 of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 5(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 5(2): amended, on 4 October 1957, by section 2(4)(c) of the Atomic Energy Amendment Act 1957 (1957 No 12).

## **5A Application of Mining Act 1971 with respect to prescribed substances**

*[Repealed]*

Section 5A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

## **5B Provisions where Crown party to instrument affecting mining privilege**

*[Repealed]*

Section 5B: repealed, on 1 April 1973, by section 245 of the Mining Act 1971 (1971 No 25).

## **6 Disposition of prescribed substances**

- (1) All minerals, concentrates, or other materials containing any prescribed substance which are extracted, isolated, or concentrated by any person shall only be disposed of with the prior written consent of the Minister and subject to such conditions as he shall impose.
- (2) The Minister may serve notice on any person who has produced any mineral, concentrate, or other material containing any prescribed substance that he proposes to acquire, on behalf of Her Majesty, the mineral, concentrate, or other material, and upon the service of the notice and the payment of purchase price in accordance with this section, the mineral, concentrate, or material shall become the property of the Crown and shall be delivered to the Minister or as he shall direct.
- (3) There shall be payable out of money appropriated by Parliament for the purpose in respect of the acquisition of any substance under this section a sum equal to the price which the owner thereof might reasonably have been expected to obtain upon a sale thereof effected by him immediately before the date of the service of the notice referred to in subsection (2).

Section 6: replaced, on 4 October 1957, by section 7(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

## **7 As to importation of prescribed substances**

No person shall, without the prior written consent of the Minister, import any prescribed substance:

provided that samples of any minerals containing any prescribed substance may be imported without the consent of the Minister if the weight of those samples does not exceed 5 pounds.

Section 7: replaced, on 4 October 1957, by section 8 of the Atomic Energy Amendment Act 1957 (1957 No 12).