



# THE PAKISTAN NUCLEAR REGULATORY AUTHORITY ORDINANCE, 2001



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# THE PAKISTAN NUCLEAR REGULATORY AUTHORITY

## ORDINANCE, 2001

### ORDINANCE No.III OF 2001

[22<sup>nd</sup> January, 2001]

An Ordinance to provide for the establishment of the Pakistan Nuclear Regulatory Authority for regulation of nuclear safety and radiation protection in Pakistan and the extent of civil liability for nuclear damage resulting from any nuclear incident;

WHEREAS it is expedient to provide for the establishment of the Pakistan Nuclear Regulatory Authority to be the competent national authority for regulation of safety of nuclear installations, the protection against risks arising from ionizing radiation, the extent of civil liability for nuclear damage resulting from any nuclear incident and for matters ancillary thereto or connected therewith;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999;

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 Emergency of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999, as well as Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

**1. Short title, extent and commencement.**— (1) This Ordinance may be called the Pakistan Nuclear Regulatory Authority Ordinance, 2001.

2. It extends to the whole of Pakistan.

3. It shall come into force at once.

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

(a) “Authority” means the Pakistan Nuclear Regulatory Authority established under section 3;

(b) “authorization” means an authorization granted under section 20 or, as the case may be, sections 21, 22 or 23;

(c) “Chairman” means the Chairman of the Authority;

- (d) “Commission” means the Pakistan Atomic Energy Commission established under the Pakistan Atomic Energy Commission Ordinance, 1965([XVII of 1965](#));
- (e) “ionizing radiation” means any electromagnetic or particular radiation capable of producing ions, directly or indirectly in its passage through matter;
- (f) “license” means a license issued under section 19;
- (g) “member” means a member of the Authority;
- (h) “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 substance, radioactive materials or radioactive products or waste in, or of nuclear material 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;
- (i) “nuclear fuel” means any material which is capable of producing energy by self sustaining chain process of nuclear fission, nuclear fusion or other nuclear transmutation;
- (j) “nuclear incident” means any occurrence, or series of occurrences, having the same origin which causes nuclear damage or but only with respect to preventive measures, creates a grave and imminent threat of causing such damage;
- (k) “nuclear installation” means:—
- (i) any nuclear reactor used as a source of power or for any other purpose;
  - (ii) any factory using nuclear fuel for the production of nuclear material, or any factory for the processing of nuclear material including any factory for the reprocessing of irradiated nuclear fuel; and
  - (iii) any facility where nuclear material is stored, other than storage incidental to the carriage of such material:

Provided that several nuclear installations of one operator, which are located at the same site, may be considered as a single nuclear installation;

- (l) “nuclear material” means:—
- (i) nuclear fuel, including natural uranium and depleted uranium, 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
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(ii) radioactive products or waste;

- (m) “nuclear substance” means any substance or nuclear material which the Authority 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;
- (n) “operator”, in relation to a nuclear installation, means the person licensed under section 19;
- (o) “person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency, any state or any political subdivision or any political entity within a state, any foreign Government or nation, or other entity and includes any legal successor, representative, agent or agency of any of the aforesaid;
- (p) “radiation generator” means a device or an apparatus capable of generating radiation, such as X-rays, neutrons, electrons, or other charged particles, which may be used for scientific, industrial or medical purposes;
- (q) “radioactive material” means any substance which contains or consists of radioactive nuclide, naturally occurring or artificially produced, provided that the specific activity of the substance is in accordance with the levels as may be prescribed by regulations;
- (r) “regulations” means regulations made under this Ordinance; and
- (s) “rules” means rules made under this Ordinance.

**3. Establishment of the Authority.** —(1) As soon as may be, but not later than thirty days after the commencement of this Ordinance, the Federal Government shall, by notification in the official Gazette, establish, in accordance with provisions of this Ordinance, an Authority to be called the Pakistan Nuclear Regulatory Authority:

Provided that till such time as the Authority is fully constituted, the Chairman shall exercise the powers, perform the functions and discharge the duties of the Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, and may sue and be sued in its own name and, subject to and for the purposes of this Ordinance, may enter into contracts and may acquire, purchase, take, hold and enjoy moveable and immovable property of every description and may convey, assign, surrender, yield up, charge mortgage, demise, reassign, transfer or otherwise dispose of or deal with, any moveable or immovable property or any interest vested in it.

(3) The head office of the Authority shall be at Islamabad and it may set up offices, at such places as it may deem appropriate.