

*Extraordinary*



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# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIA ATOMIC ENERGY COMMISSION ACT (CAP. N91) LFN, 2004 AND ENACT THE NIGERIA ATOMIC ENERGY ACT FOR THE DEVELOPMENT AND DEPLOYMENT OF ATOMIC ENERGY FOR PEACEFUL USES AND THE SOCIO-ECONOMIC DEVELOPMENT OF NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Senator Emmanuel Yisa Orker-Jev*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as Follows:

1 PART I - ESTABLISHMENT OF THE NIGERIA ATOMIC ENERGY

2 COMMISSION AND ITS GOVERNING BOARD

3 1.- (1) There is established a body to be known as the Nigeria Establishment  
4 Atomic Energy Commission ("the Commission"). of the Nigeria  
Atomic Energy  
Commission

5 (2) The Commission-

6 (a) shall be a body corporate with perpetual succession and a  
7 common seal;

8 (b) may sue or be sued in its corporate name;

9 (c) may acquire, hold or dispose of any property, movable or  
10 immovable, for the purpose of its functions and powers under this Bill; and

11 (d) shall operate under the office of the President.

12 2. -(1) There is established for the Commission, a governing board Establishment  
13 known as the Nigeria Atomic Energy Commission Governing Board ("the and Composition  
14 Board"). of the Governing  
Board of the  
Commission

15 (2) The Board shall consist of-

16 (a) the President as Chairman;

17 (b) the Executive Vice-Chairman, who shall be the Chief  
18 Executive Officer;

1 (c) Ministers responsible for-

2 (i) Foreign Affairs,

3 (ii) Finance,

4 (iii) Power,

5 (iv) Environment,

6 (v) Justice,

7 (vi) Mines; and

8 (d) three Executive Commissioners.

9 (3) The Board may co-opt the Ministers responsible for Health,  
10 Science & Technology, Industry, Water Resources, and any other relevant  
11 Ministry as the need arises.

12 (4) The Board shall be responsible for formulating and providing  
13 general policy guidelines relating to the functions and powers of the  
14 Commission under this Bill.

15 (5) A member of the Board, except the Executive Vice-Chairman and  
16 the Executive Commissioners, shall-

17 (a) hold office on part-time basis;

18 (b) cease to hold office as member of the Board, where the member  
19 ceases to hold the office by virtue of which the member became a member of  
20 the Board.

21 (6) The Executive Commissioners shall hold office for a term of three  
22 years and may be eligible for re-appointment for a further term of three years  
23 and no more;

24 (7) Members of the Board shall be paid such allowances and other  
25 benefits as the government may, from time to time, determine; and

26 (8) The supplementary provisions set out in the First Schedule to this  
27 Bill, shall have effect with respect to the proceedings of the Board and other  
28 matters mentioned therein.

## PART II - FUNCTIONS AND POWERS OF THE COMMISSION

## 3. The Commission shall-

Functions of the  
Commission

(a) promote the development of peaceful, safe and secure use of atomic energy for the socio-economic development of Nigeria;

(b) serve as the focal point for the development of atomic energy and nuclear technology in Nigeria as well as the integration and coordination of activities under this Bill;

(c) streamline, harmonize, promote and coordinate research and development activities for capacity building and infrastructure development in nuclear science, engineering and technology;

## (d) be responsible for-

(i) prospecting and mining of radioactive minerals;

(ii) the construction and maintenance of nuclear installations for the purpose of generating electricity and other peaceful applications;

(iii) the production and use of atomic energy, disposal of radioactive waste, as well as carrying out research into matters connected with the peaceful uses of atomic energy;

(iv) manufacturing or producing, buying or otherwise acquiring, treating, storing, transporting and disposing of any radioactive materials; and

(v) the import and export of all radioactive materials and equipment.

(e) make arrangements with universities and other institutions or persons for the conduct of research into matters connected with atomic energy or radioactive materials;

(f) provide funds, grants and other incentives to universities or other academic institutions in Nigeria engaged in the production, use, or in research into matters connected with atomic energy or radioactive materials;

(g) supervise, monitor, coordinate and fund the activities of all its



- 1 nuclear energy research Centres, institutes, and associated laboratories and  
2 facilities in Nigeria including-
- 3 (i) Centre for Energy Research and Development, Obafemi Awolowo  
4 University, Ile-Ife;
- 5 (ii) Centre for Energy Research and Training, Ahmadu Bello  
6 University, Zaria;
- 7 (iii) Nuclear Technology Centre, Sheda, Abuja;
- 8 (iv) Centre for Nuclear Energy Studies, University of Port Harcourt,  
9 Port Harcourt;
- 10 (v) Centre for Nuclear Energy and Climate Research and Training,  
11 University of Maiduguri, Maiduguri,
- 12 (vi) Centre for Nuclear Energy Studies and Training, Federal  
13 University of Technology, Owerri;
- 14 (vii) Federal Government of Nigeria - IAEA Marine Contamination  
15 Coastal Field Monitoring Station, Koluama II, and
- 16 (viii) any other Centre and institute as may be established by the  
17 Commission;
- 18 (h) educate and train persons in matters connected with atomic energy  
19 and radioactive materials;
- 20 (i) serve as the primary liaison with the International Atomic Energy  
21 Agency (IAEA) and national coordination Centre for the African Regional Co-  
22 operative Agreement for Research, Development and Training Related to  
23 Nuclear Science and Technology (AFRA) for the implementation of all  
24 national, regional and inter-regional atomic energy programmes;
- 25 (j) serve as the national authority on the Comprehensive Nuclear-  
26 Test-Ban Treaty (CTBT);
- 27 (k) liaise with the United Nations System, Nuclear Energy Agency,  
28 and any other related international organizations and be the national  
29 coordination centre for the activities of these organizations in Nigeria; and

1 (l) advise the Federal Government on all issues relating to atomic  
2 energy.

3 4. The Commission shall exercise such powers as are necessary to  
4 promote and expand the safe, secure, and peaceful use of atomic energy in  
5 all its ramifications, but not limited to the power to-

Powers of the  
Commission

6 (a) establish such number of nuclear research and training centres  
7 and institutes as it may deem necessary for the requisite infrastructure and  
8 capacity development;

9 (b) incorporate such companies as may be necessary to promote  
10 the peaceful uses of atomic energy;

11 (c) implement any national policy on nuclear energy and peaceful,  
12 safe and secure use of atomic energy in relation to its functions and powers  
13 under this Bill; and

14 (d) enter into contracts and incur obligations to facilitate the  
15 discharge of its duties under this Bill.

16 PART III - APPOINTMENT OF EXECUTIVE VICE CHAIRMAN, EXECUTIVE  
17 COMMISSIONERS, SECRETARY AND STAFF OF THE COMMISSION

18 5. -(1) There shall be for the Commission, an Executive Vice  
19 Chairman who shall be-

Appointment of  
the Executive  
Vice Chairman

20 (a) appointed by the President;

21 (b) the Chief Executive and Accounting Officer of the  
22 Commission; and

23 (c) responsible for the execution of the policy and day-to-day  
24 administration of the Commission.

25 (2) The Executive Vice Chairman shall-

26 (a) be a person with not less than 15 years of professional  
27 experience in the nuclear industry; and

28 (b) have a Doctorate Degree in nuclear science, nuclear  
29 engineering or related disciplines.

Appointment of  
the Executive  
Commissioners

- 1                   **6.** An Executive Commissioner shall-
- 2                   (a) be appointed from among the Directors of the Technical
- 3                   Departments of the Commission by the President;
- 4                   (b) be a person with not less than 10 years of professional experience
- 5                   in the nuclear industry; and
- 6                   (c) have a Doctorate Degree in nuclear science, nuclear engineering
- 7                   or related disciplines.

Tenure of office

- 8                   **7.** -(1) The Executive Vice Chairman shall hold office -
- 9                   (a) for a term of four years and may be eligible for re-appointment for
- 10                  a further term of four years and no more; and
- 11                  (b) on such terms and conditions as may be specified in the letter of
- 12                  appointment.
- 13                  (2) The Executive Vice Chairman and the Executive Commissioners
- 14                  ("the members") shall cease to hold office if-
- 15                  (a) by notice in writing addressed to the President, the member resigns
- 16                  the appointment;
- 17                  (b) as a result of infirmity of body or mind, the member can no longer
- 18                  perform the functions of the office;
- 19                  (c) the member has been declared bankrupt or convicted for
- 20                  corruption, terrorism, sabotage or any such offence by a court of competent
- 21                  jurisdiction; or
- 22                  (d) in the opinion of the President, it is no longer in the public interest
- 23                  to allow such a member to continue in office and the member has been so
- 24                  communicated by the President.

Secretary of the  
Commission

- 25                  **8.** There shall be appointed by the Commission a Secretary who
- 26                  shall-
- 27                  (a) be a technical or non-technical officer not below the rank of a
- 28                  Director in the Commission;
- 29                  (b) possess a minimum of an advanced university degree with not less
- 30                  than five years working experience in the Commission;

- 1 (c) be the Secretary to the Board-
- 2 (i) for a term of three years and no more;
- 3 (ii) on such terms and conditions as may be specified in the letter of
- 4 appointment; and
- 5 (iii) shall not superintend over any department or directorate
- 6 during the tenure.
- 7 (d) keep the books and records and conduct the correspondence of
- 8 the Board; and
- 9 (e) perform such other functions as the Executive Vice Chairman
- 10 may, from time to time, direct.

11 **9.-(1)** The Directors of the various nuclear research centres shall, notwithstanding the provisions of any other law, be appointed by-

Appointment  
of Directors of  
Nuclear Research  
Centres

- 13 (a) the Vice-Chancellors of the Universities on the
- 14 recommendation of the Commission, for university-based Centres; and
- 15 (b) the Commission, for non-University based Centres.

16 (2) A Director referred to in subsection (1) of this section shall be-

- 17 (a) a high-level academic not below the rank of senior lecturer or its
- 18 equivalent, of proven integrity with relevant qualifications in nuclear
- 19 science or nuclear engineering or related disciplines for university-based
- 20 Centres; and

- 21 (b) a Director in the Commission having academic qualifications
- 22 of a senior lecturer or its equivalent, for non-university-based Centres.

23 (3) A Director shall be appointed for a term of two years and may be

24 reappointed for another term of two years and no more.

25 **10. -(1)** The Commission may, subject to the approval of the Board,

26 appoint or deploy such staff as it deems necessary and expedient, from time

27 to time-

Other Employees  
of the Commission

- 28 (a) for the proper and efficient performance of its functions; and
- 29 (b) on such terms and conditions, with remunerations, allowances
- 30 and benefits as may be determined, from time to time, by the Board, in

1 consultation with the National Salaries, Incomes and Wages Commission.

2 (2) The employees of the various nuclear research centres and  
3 training institutes of the Commission shall be deemed to be employees of the  
4 Commission and are entitled to all rights and privileges of the employees of the  
5 Commission.

6 (3) The Board and the National Salaries, Incomes and Wages  
7 Commission, in determining the terms and conditions, remunerations,  
8 allowances and benefits of staff, shall have regard to-

9 (a) the need to attract and retain quality and high calibre manpower  
10 for the Commission;

11 (b) specialized nature of work to be performed by the Commission;  
12 and

13 (c) the salaries and allowances obtainable in similar international  
14 nuclear sectors to persons with equivalent responsibilities, expertise, and  
15 skills.

Service in the  
Commission

16 11.-(1) Service in the Commission shall be approved service for the  
17 purposes of the Pension Reform Act, and accordingly, staff of the Commission  
18 shall be entitled to pensions and other retirement benefits as are prescribed  
19 under the Pension Reform Act.

20 (2) Without prejudice to subsection (1) of this section, nothing in this  
21 Bill shall prevent the appointment of a person to any office on conditions which  
22 preclude the grant of pension, gratuity or other retirement benefits in respect of  
23 that office.

24 (3) For the application of the provisions of the Pension Reform Act,  
25 any power exercisable by a Minister or other authority of the Government other  
26 than the power to make regulations under the Pension Reform Act is vested in  
27 and shall be exercisable by the Board and not by any other person or authority.

Staff regulations  
and discipline

28 12.-(1) Subject to the provisions of this Bill, the Commission may  
29 make staff regulations relating generally to the conditions of service of staff,

1 and without prejudice to the generality of the foregoing, such regulations  
2 may provide for-

3 (a) the appointment, promotion, and disciplinary control of staff of  
4 the Commission; and

5 (b) appeals by staff against dismissal or other disciplinary  
6 measures, and until such regulations are made any instrument relating to  
7 conditions of service in the Public Service of the Federation shall be  
8 applicable, with such modifications as may be necessary, to the staff of the  
9 Commission.

10 (2) The staff regulations made under subsection (1) of this section  
11 shall not have effect until approved by the Board, and when so approved, the  
12 Commission shall cause a notice of the staff regulations to be issued to all  
13 affected staff in such manner as it may, from time to time, determine.

14 PART IV - FINANCIAL PROVISIONS

15 13.-(1) There is established a fund of the Commission ("the Fund") Funds of the  
16 into which shall be credited- Commission

17 (a) such moneys as may, from time to time, be appropriated by the  
18 National Assembly;

19 (b) special interventions outside regular budgetary allocations;

20 (c) all money accruing to the Commission by way of gifts, loan,  
21 grants-in-aid, intellectual property, endowments, testamentary dispositions  
22 or contributions by persons and organizations;

23 (d) foreign aids, grants and other assistance from bilateral and  
24 multi-lateral agencies;

25 (e) fees paid to the Commission for using facilities owned or  
26 managed by the Commission;

27 (f) fees charged by the Commission for services rendered to a third  
28 party; and

29 (g) all other assets that may, from time to time, accrue to the  
30 Commission.

1 (2) The Commission shall apply the Fund established under sub-  
2 section (1) of this section-

3 (a) to meet the administrative and operating costs of the Commission;

4 (b) for the payment of salaries, wages, fees and other allowances,  
5 pension fund contributions and other benefits of employees of the  
6 Commission; and

7 (c) for or in connection with all or any of the functions of the  
8 Commission under this Bill.

Establishment  
of the Nuclear  
Energy Research  
and Development  
Fund

9 **14.**-(1) There is established a Fund to be known as the Nuclear Energy  
10 Research and Development Fund ('the Nuclear Energy Fund').

11 (2) The Nuclear Energy Fund shall comprise such sums of money as  
12 the Federal Government may from time to time appropriate to it from the-

13 (a) national budget for energy development in Nigeria, which shall  
14 not be less than 20% or any other higher percentage that the Government may  
15 determine;

16 (b) 0.5% of tax accruing from the sale of petroleum products in  
17 Nigeria;

18 (c) 5% of the import duties on nuclear material and equipment;

19 (d) 0.1% of the sign-on bonus accruing from the allocation of oil  
20 blocks;

21 (e) 0.1% of the tax accruing from the export of crude oil; and

22 (f) other assistance as may, from time to time, be contributed by  
23 stakeholders for the purpose specified in sub-section (1) of this section.

Application of  
the Nuclear  
Energy Fund

24 **15.** The Nuclear Energy Fund shall be applied for the purpose of-

25 (a) building of requisite infrastructure for the development of nuclear  
26 energy in Nigeria including nuclear power plants, research reactors, and  
27 accelerators;

28 (b) securing national critical nuclear infrastructures;

29 (c) nuclear energy research and development projects;

30 (d) supporting nuclear and radiological emergency response; and

1 (e) capacity building and training of manpower engaged in nuclear  
2 energy activities.

3 **16.**-(1) The Nuclear Energy Fund shall be managed and disbursed  
4 by a Committee to be appointed by the President.

Management and  
operation of the  
Nuclear Energy  
Fund

5 (2) The Committee shall comprise-

6 (a) the Executive Vice Chairman of the Commission as the  
7 Chairman;

8 (b) Four Directors of the Commission responsible for the  
9 following-

10 (i) Nuclear Power Plant Development,

11 (ii) Manpower Training and Capacity Development,

12 (iii) Research and Nuclear Infrastructure Development, and

13 (iv) Finance and Accounts.

14 (c) a representative each of the-

15 (i) Ministry of Power,

16 (ii) Ministry of Finance, Budget and National Planning,

17 (iii) Ministry of Petroleum Resources, and

18 (iv) Central Bank of Nigeria.

19 (3) The Director Finance and Accounts of the Commission shall  
20 serve as Secretary of the Committee.

21 (4) The Commission shall make rules for the operation of the Fund.

22 **17.**-(1) There is established a Nuclear Damage Compensation  
23 Fund ("the Compensation Fund"), which shall cover compensation claims  
24 for damages in the event of a nuclear accident in excess of the liability of the  
25 operator.

Establishment  
of the Nuclear  
Damage  
Compensation  
Fund

26 (2) The Federal Government shall maintain at least the sum of 450  
27 million Special Drawing Rights (SDRs) or its equivalent in United States  
28 Dollars in the Fund.

29 (3) Funds paid out by the Federal Government pursuant to the



	1	provisions of sub-section (1) of this section shall not extinguish the Operator's
	2	liability.
Sources of the Compensation Fund	3	<b>18.</b> The Fund shall comprise such sums of money from the following
	4	sources-
	5	(a) special interventions outside regular budgetary allocations;
	6	(b) 2% of the annual profits of operators of facilities that are liable to
	7	cause nuclear damage;
	8	(c) 5% of the tax accruing from the sale of radioactive minerals;
	9	(d) 5% of royalty for the exploration and exploitation of radioactive
	10	minerals; and
	11	(e) any other source as the Federal Government may deem fit.
Powers to borrow and accept gifts	12	<b>19.</b> -(1) The Commission may, in compliance with any Government
	13	directive or guidelines, borrow such sums as it may require in the exercise of its
	14	functions under this Bill.
	15	(2) The Commission may accept gifts or grants of money or aids or
	16	other property from national, bilateral and multi-lateral organizations and upon
	17	such terms and conditions, if any, as may be agreed upon between the donor
	18	and the Commission provided that such terms and conditions are not
	19	inconsistent with the objectives and functions of the Commission under this
	20	Bill.
Annual budget, expenditure and audit	21	<b>20.</b> -(1) The Commission shall in each financial year, submit to the
	22	National Assembly through the President, for approval, an estimate of its
	23	expenditure and income during the next succeeding financial year.
	24	(2) The Commission shall keep proper account in respect of each
	25	financial year, proper records in relation to the account and cause the account to
	26	be audited, at the end of each financial year by auditors appointed from the list
	27	of auditors and in accordance with guidelines supplied by the Office of the
	28	Auditor-General for the Federation.
Annual report	29	<b>21.</b> The Commission shall prepare and submit to the President in each
	30	financial year a report in such form as the President may direct on the activities

1 of the Commission during the immediate preceding financial year and shall,  
 2 include in the report a copy of the audited accounts of the Commission for  
 3 that year and of the auditor's report thereon.

4 PART V - PROMOTION OF ATOMIC ENERGY AND  
 5 NUCLEAR TECHNOLOGY

6 **22.** The Commission shall develop programmes for harnessing Development of  
 7 atomic energy for the socio-economic development of Nigeria, in Atomic Energy  
 8 compliance with the provisions of this Bill, nuclear energy policy, Programmes  
 9 international obligations and any other relevant law.

10 **23.-(1)** The Commission shall ensure the safe and secure Safe Applications  
 11 application of atomic energy in all its facilities. of Atomic Energy

12 (2) A copy of all standard operating procedures of all nuclear  
 13 facilities shall be deposited by the operator with the Commission.

14 **24.-(1)** Pursuant to Section 3 (h) of this Bill, the Commission shall Human Resource  
 15 develop the necessary infrastructure and capacity to educate and train Development  
 16 nuclear personnel for Nigeria's nuclear energy sector.

17 (2) The Commission may collaborate with national institutions,  
 18 foreign countries or international bodies for the purpose of educating and  
 19 training of Nigerians in the field of atomic energy to acquire requisite scarce  
 20 skills.

21 (3) The trained personnel with requisite scarce skills referred to in  
 22 sub-section (2) of this section shall be allowed to retire at sixty-five years of  
 23 age for non-Professors and seventy years for Professors considering the cost  
 24 and lead-time to acquire such competence.

25 (4) The Commission shall ensure the continuous availability of  
 26 human resources for Nigeria's nuclear energy sector by building local  
 27 capacity.

28 **25.-(1)** The development of nuclear and radiological facilities shall Nuclear and  
 29 be in compliance with the provisions of this Bill, nuclear energy policy, Radiological  
 30 international obligations and other relevant laws. Facilities  
 Development

1 (2) Prior to obtaining authorization from the Competent Authority, a  
 2 person shall not be permitted to construct a nuclear or radiological facility  
 3 within Nigeria except with the consent of the Commission.

4 (3) The nuclear or radiological facilities referred to in sub-section (2)  
 5 of this section include-

6 (a) facilities operated for the generation of nuclear power or  
 7 radioisotopes;

8 (b) facilities serving as storage or repository for nuclear waste,  
 9 exploration of radioactive minerals and enrichment of fertile materials; and

10 (c) facilities categorized under national critical nuclear  
 11 infrastructures operated for purposes other than that specified under  
 12 paragraphs (a) and (b) of this subsection, having, at a given time, an amount of  
 13 nuclear material or ionizing radiation.

14 (4) Prior to obtaining Authorization from the Competent Authority, a  
 15 person shall not be permitted to import or export any radioactive material into  
 16 Nigeria except with the consent of the Commission.

17 (5) The Commission shall issue guidelines for obtaining Consent  
 18 referred to in sub-section (2) and (4) of this section for the development of  
 19 nuclear and radiological facilities under this Bill.

20 (6) The Commission shall issue a certificate of consent upon  
 21 compliance with the guidelines issued under this section.

#### 22 PART VI - NUCLEAR SECURITY

Nuclear Security

23 **26.** The implementation of Nuclear Security shall be in compliance  
 24 with the provisions of this Bill, national nuclear security policy, national  
 25 regulations, any other relevant national law and international obligations.

Protection of  
 Nuclear materials  
 and facilities

26 **27.** The Operator shall be responsible for the protection of its nuclear  
 27 materials and facilities.

Restriction on  
 disclosure of  
 information by  
 Commission's  
 employee and  
 Operator

28 **28.-(1)** Without prejudice to the generality of the application of the  
 29 Official Secrets Act and the Freedom of Information Act, no information  
 30 concerning any transaction, project, work or activity of the Commission or

1 Operator in connection with restricted matter or any restricted act or activity  
2 which is not yet public knowledge, shall be published or made known or be  
3 transmitted or otherwise disclosed, by any-

4 (a) employee or former employee of the Commission or facility; or

5 (b) any person who is or was involved in the business, operations or  
6 activities of the Commission or Operator in the capacity of agent, contractor  
7 or consultant or in any similar or related capacity, as well as the employee,  
8 partner or associate of such a person.

9 (2) Except with the written authority of the Commission,  
10 provisions of subsection (1) of this section shall not preclude the disclosure  
11 of information-

12 (a) where such disclosure is necessary for the exercise of any  
13 power or performance of any function or duty of the Commission or  
14 Operator under this Bill; or

15 (b) on the order of a competent court of law.

16 **29.**-(1) The Commission or any other Operator shall ensure the Human Reliability  
17 implementation of Human Reliability Program (HRP) in all its nuclear and Program  
18 radiological facilities.

19 (2) HRP certification shall be required for all persons applying for  
20 or assigned to a HRP position including contractors and sub-contractors in  
21 line with HRP policy.

22 **30.** -(1) The Commission or Operator shall establish nuclear Nuclear Security  
23 security culture in all its nuclear and radiological activities in Nigeria. Culture

24 (2) The Commission or Operator shall implement a robust  
25 methodology on self-assessment and enhancement of nuclear security  
26 culture in all its nuclear and radiological related activities.

27 PART VII - NUCLEAR SAFETY

28 **31.** The Commission or Operator shall ensure that its facilities are Protection from  
29 maintained and operated in accordance with the regulatory requirements on exposure  
30 radiation protection.

Safety Management	1	<b>32.</b> The Commission or Operator shall-
	2	(a) maintain a safety culture when siting, designing, constructing,
	3	operating, and decommissioning its nuclear and radiological facilities based on
	4	an integrated management system;
	5	(b) ensure the protection of employees, the public and the
	6	environment from harm by providing adequate measures against radiological
	7	hazards, and for the prevention and mitigation of accidents; and
	8	(c) ensure that the management of safety in its facilities are in
	9	compliance with relevant laws and regulations.
Sitting of facilities	10	<b>33.</b> The Commission or Operator shall comply with regulatory
	11	requirements in siting all nuclear and radiological facilities.
Design and Construction	12	<b>34.</b> The Commission or Operator shall ensure that the design and
	13	construction of all nuclear and radiological facilities are in accordance with the
	14	requirements of the Competent Authority.
Commissioning, Operation and Decommissioning	15	<b>35.</b> -(1) The Commission or Operator shall comply with all relevant
	16	regulatory requirements in the commissioning and operation of nuclear
	17	facilities.
	18	(2) The Commission or Operator shall comply with all relevant
	19	regulatory requirements in the decommissioning of its nuclear facilities.
	20	(3) An Operator shall remit not more than 10% of the proceeds of its
	21	profit per annum from the operation of nuclear facilities to be deposited in a
	22	designated account with the Central Bank of Nigeria for its decommissioning
	23	purposes.
	24	(4) The Commission shall, in collaboration with Federal Inland
Obligations of the Commission or Operator on emergency	25	Revenue Service, ensure compliance with the provisions of sub-section (3) of
	26	this section.
	27	<b>36.</b> -(1) The Commission or Operator shall establish an onsite
	28	emergency response unit.
	29	(2) The onsite emergency response unit shall develop an emergency
	30	response and communication plan in accordance with the nuclear and

1 radiological emergency plan.

2 (3) The Commission or Operator shall appoint an Emergency  
3 Response Manager who shall be the head of the onsite emergency response  
4 unit and shall be responsible for initiating and coordinating the onsite  
5 emergency response and communication plan.

6 (4) The Commission shall, for the purposes of radiological  
7 emergency-

8 (a) serve as the primary agency for liaising with the International  
9 Atomic Energy Agency (IAEA) and other international organizations in  
10 requesting for emergency response assistance; and

11 (b) provide response support to relevant emergency authorities.

12 PART VIII - EXPLORATION AND EXPLOITATION OF

13 RADIOACTIVE MINERALS

14 37. -(1) Prior to obtaining authorization from the Competent  
15 Authority, a person may be permitted to prospect and mine radioactive  
16 minerals within Nigeria after obtaining consent of the Commission pursuant  
17 to Section 3(d) (i) of this Bill.

Obligations of  
the Commission  
on mining

18 (2) The Commission shall establish the guidelines for obtaining  
19 Consent for the exploration and exploitation of radioactive minerals.

20 (3) The Commission shall issue a certificate of consent upon  
21 compliance with the guidelines.

22 (4) The holder of consent from the Commission shall prospect for  
23 and mine radioactive materials in accordance with the provisions of the  
24 Minerals and Mining Act and any other relevant regulations or guidelines.

25 38.-(1) A person who, before or after the commencement of this  
26 Bill, discovered or discovers that radioactive mineral is present at any place  
27 in Nigeria shall, within three months after the date of commencement of this  
28 Act or after the discovery, whichever is later, report the discovery in writing  
29 to the Commission.

Notification of  
discovery of  
radioactive mineral

30 (2) A person who has reason to believe that a radioactive mineral

	1	exists in any place in Nigeria, shall without delay, notify the Commission of
	2	such belief with reasons and the Commission shall take steps to verify such
	3	claims within 3 months.
	4	PART IX - NUCLEAR SAFEGUARDS AND NON-PROLIFERATION
Nuclear Safeguards	5	39. The Commission or Operator shall comply with safeguards
	6	obligations to ensure peaceful uses of atomic energy in accordance with
	7	national nuclear regulatory requirements.
Non-proliferation of nuclear weapons	8	40.-(1) The Commission shall be responsible for the coordination of
	9	all nuclear non-proliferation activities.
	10	(2) Pursuant to the obligations of Nigeria under relevant Treaties
	11	prohibiting the proliferation of nuclear weapons, a person shall not-
	12	(a) receive the transfer from any transferor whatsoever nuclear
	13	weapons or other nuclear explosive devices or take over such weapons or
	14	explosives or devices directly or indirectly;
	15	(b) enrich radioactive minerals, test, manufacture or otherwise
	16	acquire nuclear weapons or other nuclear explosive devices; or
	17	(c) seek or receive any assistance in the enrichment of radioactive
	18	minerals, testing, manufacture or acquisition of nuclear weapons or other
	19	nuclear explosive devices.
	20	PART X - SPENT NUCLEAR FUEL AND RADIOACTIVE WASTE
Management of spent nuclear fuel and radioactive waste	21	41.-(1) The management of Spent Nuclear Fuel (SNF) and
	22	radioactive waste (RW) in Nigeria shall be performed in a safe, secure and
	23	sustainable manner.
	24	(2) Spent Nuclear Fuel may be returned to the vendor or supplier
	25	based on the terms of negotiation and contractual agreement during
	26	acquisition.
Nigeria Nuclear Waste Management Company (NNWMC)	27	42. The Commission shall, with the approval of the President, cause
	28	to be incorporated under the Companies and Allied Matters Act, a limited
	29	liability company to be known as the Nigeria Nuclear Waste Management
	30	Company (NNWMC).

The Board of the  
NNWMC

## Appointment of Chief Executive Officer of the NNWMC

### Qualifications of the Chief Executive Officer of the NNWMC



Tenure of office  
of the Chief  
Executive Officer  
of NNWMC

1                   **46.**-(1) The Chief Executive Officer shall hold office for a term of  
2                   three years and may be eligible for re-appointment for a further term of three  
3                   years and no more.

4                   (2) The Chief Executive Officer referred to in sub-section (1) of this  
5                   section shall cease to hold office if-

6                   (a) by notice in writing addressed to the NNWMC board, the Chief  
7                   Executive Officer resigns the appointment;

8                   (b) as a result of infirmity of body or mind, the Chief Executive  
9                   Officer can no longer perform the functions of the office;

10                  (c) the Chief Executive Officer has been declared bankrupt by a court  
11                  of competent jurisdiction; or

12                  (d) in the opinion of the President, it is no longer in public interest to  
13                  allow the Chief Executive Officer to continue in office and has been so  
14                  communicated by the President.

Functions of the  
NNWMC

15                  **47.**-(1) The NNWMC shall be responsible for-

16                  (a) the management of spent nuclear fuel, radioactive waste and  
17                  legacy and orphan sources in Nigeria;

18                  (b) final disposal of the radioactive wastes; and

19                  (c) the preparation of strategic documents for the long-term  
20                  management of spent nuclear fuel and radioactive waste in Nigeria.

21                  (2) The NNWMC shall establish arrangements for providing the  
22                  financial, technical and human resources to sustain the implementation of the  
23                  radioactive waste management strategy, provided that the arrangement shall be  
24                  based on the principle of the "waste generator pays".

25                  (3) The NNWMC shall make arrangements and implement  
26                  institutional controls and monitoring to ensure the safety and security of spent  
27                  nuclear fuel and radioactive waste management during operation,  
28                  transportation and after closure, including radiological monitoring and  
29                  maintenance as appropriate.

30                  (4) The NNWMC shall bear the cost of the management and disposal

1 of legacy and orphan sources.

2 **48.**-(1) An Operator of a facility generating Spent Nuclear Fuel and  
3 radioactive waste shall be responsible for the safe and secure management  
4 of the spent nuclear fuel and radioactive waste.

Radioactive waste  
and Spent Nuclear  
Fuel generators

5 (2) The Spent Nuclear Fuel and radioactive waste generators shall  
6 be responsible for-

7 (a) the technical, financial and administrative management of such  
8 wastes or SNF in compliance with the regulatory requirement and the  
9 Radioactive Waste Management Strategy until it is accepted by NNWMC or  
10 repatriated to the supplier of the fuel;

11 (b) the implementation of protection strategies, where remedial  
12 and protective actions are required to mitigate existing exposure situations  
13 that may pose radiation protection concerns;

14 (c) undertaking of disposal at the site in consultation with the  
15 NNWMC, in the case of NORM wastes, where it is permitted to do so; and

16 (d) contributing to the preparation or revision of the National  
17 Inventory of Radioactive Waste and the elaboration or revision of the  
18 National Strategy for the Management of SNF and RW, provided that the  
19 National Inventory of RW shall include both existing inventories and  
20 forecasts of future generation of all waste types in Nigeria.

21 (2) The radioactive waste generators shall provide comprehensive  
22 and detailed information on the wastes and other radioactive materials,  
23 including Naturally Occurring Radioactive Materials (NORM).

24 **49.** NNWMC shall put in place adequate measures to ensure-

Storage and  
disposal of Spent  
Nuclear Fuel

25 (a) the safety and protection of human health and the environment  
26 during the interim storage and final disposal of spent nuclear fuel and  
27 radioactive waste; and

28 (b) that the processes are in compliance with all relevant laws and  
29 regulations on storage and disposal of radioactive waste and spent nuclear  
30 fuel.

Establishment  
of the National  
Nuclear Waste  
Management  
Fund

1                   **50.-(1)** There is established a National Nuclear Waste Management  
2 Fund ("Nuclear Waste Fund"), to ensure sufficient financial provisions for the  
3 long-term management of various waste forms and decommissioning.

4                   (2) There shall be paid into the Nuclear Waste Fund established  
5 pursuant to subsection (1) of this section-

6                   (a) take-off grants from the Federal Government;

7                   (b) such fund received from generators of radioactive waste and Spent  
8 Nuclear Fuel as may be determined by the Nigeria Nuclear Waste Management  
9 Company (NNWMC) based on classification of the waste and the volumes;

10                  (c) special government intervention; and

11                  (d) such other fund as may from time to time accrue to the Nuclear  
12 Waste Fund.

13                  (3) The Nuclear Waste Fund shall be used for the-

14                  (a) management of spent nuclear fuel and radioactive waste;

15                  (b) decommissioning and decontamination of the NNWMC's  
16 installations;

17                  (c) development, and operation of off-site storage and disposal  
18 facilities as well as the closure of disposal facilities;

19                  (d) off-set of the cost of management of legacy and orphan sources;

20                  (e) research and development activities, including investigations into  
21 waste management options;

22                  (f) capacity building initiatives for spent fuel and radioactive waste  
23 management; and

24                  (g) site environmental remediation and other activities related to  
25 radioactive waste management.

26                  (4) The Nuclear Waste Fund shall not excuse a plant operator of his  
27 responsibility in the on-site management of radioactive waste and spent  
28 nuclear fuel.

29                  (5) The Board of NNWMC shall be responsible for the management  
30 of the Nuclear Waste Fund.

1 PART XI - CIVIL LIABILITY FOR NUCLEAR DAMAGE

2 **51.** Subject to this Bill, an operator shall ensure that no injury to Duty to prevent  
 3 any person or damage to any property or the environment is occasioned as a Nuclear Damage  
 4 result of the fissionable or radioactive properties, or a combination of any of  
 5 those properties with toxic, explosive or other hazardous properties of  
 6 nuclear material that-

7 (a) is in its nuclear installation;

8 (b) having been in its nuclear installation, has not subsequently  
 9 been in a nuclear installation operated under lawful authority by any other  
 10 person;

11 (c) is in the course of carriage from outside Nigeria to a nuclear  
 12 installation of which the receiver is the operator or is in a place of storage  
 13 incidental to the carriage; or

14 (d) is in the course of carriage from the facilities of the operator.

15 **52.** An Operator shall without proof of fault or negligence be Liability of  
 16 absolutely and exclusively liable for a breach of the duty imposed by this Act Operator for breach  
 17 or any other relevant law. of duty

18 **53.-(1)** An Operator is not liable for injury or damage, where the Exceptions  
 19 nuclear incident resulting in injury or damage occurred as a direct result of  
 20 an act of armed conflict in the course of war, invasion or insurrection.

21 (2) An Operator is not liable for injury or damage suffered by any  
 22 person where the nuclear incident resulting in the injury or damage occurred  
 23 wholly or partly as a result of an unlawful act or omission of the person done  
 24 or omitted to be done with intent to cause injury or damage.

25 (3) An operator shall not be liable for any nuclear damage caused  
 26 to-

27 (a) its nuclear installation, or any other nuclear installation under  
 28 construction, on the site where such installation is located; and

29 (b) to any property on the same site which is used or to be used in  
 30 connection with any such installation; or

1 (c) to the means of transport upon which the nuclear material involved  
2 was carried at the time of nuclear incident:

3 Provided that any compensation liable to be paid by an operator for a  
4 nuclear damage shall not have the effect of reducing the amount of his liability  
5 in respect of any other claim for damage under any other law for the time being  
6 in force.

7 (4) Where a nuclear incident occurs in the course of the carriage of  
8 nuclear material from outside Nigeria into the Operator's installation or while  
9 the material is in storage incidental to its carriage, the Operator is not liable for  
10 damage to the means of carriage or to the place where the material is stored.

Limitations

11 54.-(1) A person shall not be liable for any injury or damage  
12 attributable to a breach of the duty imposed on the Operator, except as  
13 otherwise provided by this Bill or any other relevant law.

14 (2) Nothing in this Bill shall be construed as limiting or restricting-

15 (a) any right or obligation of a person under any contract of insurance,  
16 any scheme or system of health or employees' compensation or occupational  
17 disease compensation or pension fund or plan; or

18 (b) any right of recourse of the Operator against a person for any  
19 injury or damage occurring wholly or partly as a result of an unlawful act or  
20 omission of that person done or omitted to be done with intent to cause injury or  
21 damage.

22 (3) No action under this Part shall be brought-

23 (a) in the case of a claim for injury or for damage to property, after ten  
24 years from the earliest date on which the person making the claim had  
25 knowledge or ought reasonably to have had knowledge of the injury or  
26 damage; or

27 (b) in the case of a claim for loss of life-

28 (i) after thirty years from the date of the death of the person for whose  
29 loss of life the claim is made; or

30 (ii) where conclusive evidence of the death of that person is not

1 available, after thirty years from the date an order presuming the person to be  
2 dead is made by a court having jurisdiction in those matters.

3 **55.** An Operator shall, with respect to each of its nuclear Insurance and  
financial  
responsibility  
4 installations maintain with an approved insurance company, a policy of  
5 insurance-

6 (a) on the nuclear installation facilities; and

7 (b) against the liability imposed on it by this Bill, consisting of  
8 compulsory insurance for the term and for such amount not exceeding the  
9 equivalent of 450 million SDR and a minimum of the equivalent of 150  
10 million SDR as prescribed in the National Policy on Civil Liability for  
11 Nuclear Damage.

12 **56.** The Minister of Finance shall designate as an approved insurer Designation of  
approved insurers  
13 for the purpose of this Act, an insurer or consortium of insurers that meets  
14 the requirements for the performance of the obligations to be undertaken.

15 **57.** Subject to the approval of the Minister of Finance, an Operator Reinsurance  
agreements  
16 may enter into an agreement with an approved insurer to reinsure the risk  
17 assumed by the insurer on such terms and conditions, including the payment  
18 of such fee, as the Minister of Finance may deem appropriate.

#### 19 PART XII - OFFENCES AND PENALTIES

20 **58.-(1)** A person who, without the consent of the Commission, Offences and  
Penalties  
21 constructs a nuclear facility in Nigeria, commits an offence and is liable on  
22 conviction, to a fine of not less than N500,000,000.00 or to a term of  
23 imprisonment of not less than twenty years or to both.

24 (2) A person who, without lawful authority, receives, possesses,  
25 uses, transfers, alters or disperses nuclear material, commits an offence and  
26 is liable on conviction to a fine of not less than N100,000,000.00 or to a term  
27 of imprisonment of not less than fifteen years or to both.

28 (3) A person who, without lawful authority, receives, possesses,  
29 uses, transfers, alters or disperses nuclear material, which causes death or  
30 injury to a person or property, commits an offence and is liable on conviction

1 to life imprisonment or to a fine of not less than N250,000,000.00 or to both.

2 (4) A person who steals with or without arms, nuclear material or  
3 obtains nuclear material by threat or use of force or intimidation, commits an  
4 offence and is liable on conviction to life imprisonment or to a fine of not less  
5 than N150,000,000.00 or to both.

6 (5) A person who uses nuclear material to compel any natural or legal  
7 person, organization or state to do or refrain from doing any act, commits an  
8 offence and is liable on conviction to life imprisonment or to a fine of not less  
9 than N250,000,000.00 or to both.

10 (6) A person who knowingly and willfully destroys, damages or  
11 interferes in any way with any equipment, device, instrument, plant or  
12 installation, in such a manner as to use the emitted radiation to cause damage to  
13 environment, property, injury or loss of life, commits an offence and is liable  
14 on conviction to imprisonment for life or to a fine of not less than  
15 N300,000,000.00 or to both.

16 (7) A person who knowingly or willfully and without any reasonable  
17 excuse-

18 (a) obstructs an authorized person in the course of performing any  
19 duty under this Bill; or

20 (b) contravenes, fails or refuses to comply with any other provision of  
21 this Bill for which no specific penalty is provided, commits an offence and  
22 liable on conviction to a fine of not less than N5,000,000.00 or to imprisonment  
23 for a term of not less than five years or to both.

Offences by  
Employers or  
Employees

24 **59.**-(1) An employer or employee, who permits or cause a person who  
25 is not qualified to operate any plant, installation or apparatus, or any part which  
26 constitutes his undertaking commits an offence and is liable on conviction to a  
27 fine of not less than N1,000,000.00 or to imprisonment for a term of not less  
28 than two years or to both.

29 (2) An employee, who is not qualified to operate any plant,  
30 installation or apparatus but accepts to operate any plant, installation or

1 apparatus or any part of which constitutes his undertaking, commits an  
 2 offence and is liable on conviction to a fine of not less than N1,000,000.00 or  
 3 to imprisonment for a term of not less than two years or to both.

4 (3) An employee who engages in insider threat, malicious acts,  
 5 sabotage, divulging of sensitive documents or information, conflict of  
 6 interest commits an offence and is liable on conviction to a fine of not less  
 7 than N5,000,000.00 or to imprisonment for a term of not less than five years  
 8 or to both.

9 **60.** Where a person is convicted of an offence under this Bill, the  
 10 court may, in addition to any penalty as may be imposed, order for the  
 11 forfeiture, impounding, destruction, incapacitation, sealing or disposal or in  
 12 any other manner of any radioactive material, apparatus, installation,  
 13 substance or article in respect of which the offence in question may have  
 14 been committed.  
 15 All associated costs of carrying out the activities listed in subsection (1) of  
 16 this section shall be borne by the convict.

Additional order  
of Court

#### 17 PART XIII - MISCELLANEOUS

18 **61.** Where an invention arises from research and development  
 19 commissioned and funded by the Commission, the intellectual property  
 20 right of the invention shall be vested on the Commission.

Ownership of  
intellectual  
property

21 **62.-(1)** Any dispute between the Commission and any person over  
 22 an act done in pursuance or execution of this Bill, shall be settled by  
 23 negotiation or by any other acceptable alternative dispute resolution  
 24 mechanism.

Dispute resolution

25 (2) Where a dispute cannot be resolved pursuant to subsection (1)  
 26 of this section, such dispute shall be subjected to arbitration in accordance  
 27 with the Arbitration and Conciliation Act.

28 **63.-(1)** Subject to the provisions of this Bill, the provisions of the  
 29 Public Officers Protection Act shall apply in relation to any suit instituted  
 30 against the Commission.

Limitation of  
suits against the  
Commission



	1	(2) Without prejudice to the provisions of this Bill, a suit shall not be
	2	commenced against the Commission before the expiration of a period of thirty
	3	days after written notice of intention to commence the suit shall have been
	4	served on the Commission by the intending plaintiff or his agent provided that
	5	the notice shall clearly state the cause of action, the particulars of the claim, the
	6	name and place of abode of the intending plaintiff and the relief sought.
Service of documents	7	<b>64.</b> The notice referred to in section 63(2) of this Bill and any
	8	summons, notice or other document required or authorized to be served upon
	9	the Commission or an Operator under the provisions of this Act or any other
	10	enactment or law may be served by delivering same to the Executive Vice
	11	Chairman of the Commission by sending it by registered post addressed to the
	12	Executive Vice Chairman at the principal office of the Commission.
Restriction on execution against the property of Commission	13	<b>65.</b> In any action or suit against the Commission, no execution or
	14	attachment or process in the nature thereof shall be issued against the
	15	Commission without the consent of the Attorney-General of the Federation,
	16	but any sums of money which may, by the judgment of the court, be awarded
	17	against the Commission, subject to any directions given by the court where
	18	notice of appeal has been given by the Commission, shall be paid from the
	19	funds of the Commission.
Stay of arrest in certain cases	20	<b>66.</b> An employee of the Commission, shall not be arrested while on
	21	duty, if his immediate arrest might result in danger to life or goods, whether in
	22	execution of a warrant or otherwise, until-
	23	(a) the head of the department in which the employee is employed; or
	24	(b) the officer in immediate charge of the work in which the person is
	25	engaged, has been given an opportunity of providing a substitute for the work.
Indemnity of Board members and other employees of the Commission	26	<b>67.</b> A member of the Board, the Executive Vice-chairman, the
	27	Executive Commissioners, the Secretary, and employee of the Commission
	28	shall be indemnified out of the assets of the Commission against any liability
	29	incurred in defending any proceedings whether civil or criminal for the

1 Commission, provided that such act was done without willful misconduct or  
2 intention to defraud.

3 **68.** The Federal High Court shall exercise jurisdiction in respect of Jurisdiction  
4 both civil and criminal matters arising from the implementation of this Act  
5 and over civil liability for nuclear incidents.

6 **69.** The President may, for the purpose of this Bill, in special Directives of the  
7 circumstances, give to the Commission directives of a general or specific President  
8 nature as to the manner in which the Commission is to exercise its powers  
9 and the Commission shall comply with such directives.

10 **70.** The Nigeria Atomic Energy Commission Act CAP. N91 Laws Repeal  
11 of the Federation of Nigeria, 2004 is repealed.

12 **71.**-(1) The functions, rights, interests, obligations and liabilities Savings and  
13 under the repealed Nigeria Atomic Energy Commission Act in respect of transitional  
14 any contract or instrument, or in law or in equity shall, by virtue of this Bill provisions  
15 be deemed to exist under this Bill.

16 (2) Any such contract or instrument as mentioned in sub-section  
17 (1) of this section shall be of the same force and effect against or in favour of  
18 the Commission established by this Bill and shall be enforceable as if the  
19 Commission was established before the commencement of this Bill  
20 provided that such contract or instrument is not inconsistent with any of the  
21 provisions of this Bill.

22 (3) The Commission shall be subject to all the obligations and  
23 liabilities to which the Commission was subject immediately before the  
24 commencement of this Bill and all persons shall have the same rights,  
25 powers and remedies against the Commission as they had against the  
26 Commission immediately before the commencement of this Bill.

27 (4) All assets, funds, resources and other movable or immovable  
28 property which immediately before the commencement of this Act were  
29 vested in the Commission pursuant to the repealed Act shall by virtue of this  
30 Bill be vested in the Commission established by this Bill.

	1	(5) Any person who, immediately before the commencement of this
	2	Bill, was holding any office to which appointments may be made under this
	3	Bill shall continue in that office and be deemed for the purposes of this Bill to
	4	have been so appointed.
Powers to make regulations	5	72. The Commission may, with the approval of the President, make
	6	regulations-
	7	(a) to review the penalties prescribed in this Bill; and
	8	(b) for carrying into effect any other provisions of this Bill.
Interpretation	9	73. In this Bill-
	10	"Act" means the Nigeria Atomic Energy Act;
	11	"advanced university degree" means a master's degree or a doctorate degree;
	12	"atomic energy" means the energy released from atomic nuclei as a result of
	13	any process, including the fission or fusion process, but does not include
	14	energy released in any process of natural transmutation or radioactive decay,
	15	which is not accelerated or influenced by external means;
	16	"authorization or licence " means a permission granted in a document by the
	17	Regulatory Authority to a legal person who has submitted an application to
	18	carry out a practice or any other action described in the general obligations for
	19	practices under this Bill;
	20	"authorized person" means an officer appointed or authorized to perform any
	21	functions in relation to the enforcement of the provisions of this Bill, and
	22	includes security personnel;
	23	"Commission" means the Nigeria Atomic Energy Commission established
	24	under section 1 of this Bill;
	25	"competent authority" means an authority designated or otherwise recognized
	26	by the federal government for specific purposes in connection with radiation
	27	protection, nuclear safety and/or security and related matters under this Bill;
	28	"commissioning" means all steps leading to and including the initial operation
	29	of a nuclear facility;
	30	"decommissioning" means all steps leading to the release of a nuclear or

- 1 radiological facility, other than a disposal facility, from regulatory control.  
2 These steps include the processes of decontamination, dismantling and site  
3 remediation;  
4 "facility" means-
- 5 (a) a radiological plant, a conversion plant, a reprocessing plant, an  
6 isotope separation plant or a separate storage installation; or  
7 (b) any location where nuclear material in amounts greater than  
8 one effective kilogram is customarily used; a reactor,
- 9 "hazardous materials" means exposed nuclear, radioactive or toxic  
10 materials involving danger, risk or loss;  
11 "ionizing radiation" means the radiation of gamma rays and x-rays or  
12 corpuscular radiation, capable of producing ions directly or indirectly in its  
13 passage through matter;
- 14 "nuclear accident" means an unintended event that causes nuclear damage;  
15 "nuclear damage" means death of or injury to any person or other damage,  
16 including any damage to or any loss of use of property or damage to the  
17 environment which arises out of or results from, or is attributable to the  
18 ionizing radiation associated with a nuclear installation, nuclear vessel or  
19 action:
- 20 "nuclear fuel" means any material in the form of uranium metal, alloy, or  
21 chemical compound (including natural uranium), and plutonium metal,  
22 alloy or chemical compound which is capable of producing energy by a self-  
23 sustaining process of nuclei fission or fusion;
- 24 "nuclear incident" means any occurrence or succession of occurrences  
25 having the same origin which causes damage, provided that such occurrence  
26 or succession of occurrences, or any of the damage caused, arises out of or  
27 results either from the radioactive properties, or a combination of the  
28 radioactive properties with toxic, explosive or other hazardous properties of  
29 nuclear fuel or radioactive products or waste, or from ionizing radiation  
30 emitted by any source of radiation inside a nuclear installation;

1 “nuclear installation” means a nuclear reactor or any installation designed or  
2 adapted for-

3 (a) the production or use of atomic energy;

4 (b) the carrying out of any process which is preparatory or ancillary to  
5 the production or use of atomic energy and which involves or is capable of  
6 causing the emission of ionizing radiation; or

7 (c) the storage, processing or disposal of nuclear fuel or of bulk  
8 quantities of other radioactive matter which has been produced or irradiated in  
9 the course of the production or use of nuclear fuel;

10 “nuclear material” means-

11 (a) nuclear fuel, other than natural uranium and depleted uranium,  
12 capable of producing energy by a self-sustaining chain process of nuclear  
13 fission or fusion outside a nuclear reactor, either alone or in combination with  
14 some other material; and

15 (b) radioactive products or waste;

16 “nuclear reactor” means any plant (including any machinery, equipment or  
17 whether affixed to land or not), designed or adapted for the production of  
18 atomic energy by a fission or fusion process, in which a controlled chain  
19 reaction can be maintained, without an additional source of neutrons;

20 “operator” means a person or an organization recognized by law as having the  
21 right to use the nuclear and radiological facility and receives the profit from its  
22 operation;

23 “person” means any individual, partnership, any private or public body  
24 whether corporate or not, any international organization enjoying legal  
25 personality under the laws of Nigeria, and any country or any of its constituent  
26 sub-divisions.

27 “public officer” means a member of the public service of the Federation or a  
28 state;

29 “qualified expert” means an individual who by virtue of certification by  
30 appropriate certifying body or societies, professional licence or academic

1 qualification and experience, is duly recognized by the Commission as  
2 having expertise in a relevant field of specialization e.g. medical physics,  
3 radiation protection, occupational health, quality assurance or any relevant  
4 engineering or safety specialty;

5 "radioactive material" means a material occurring in nature or artificially  
6 produced, one or more components of which releases ionizing radiation, as  
7 well as any preparation containing such material;

8 "radioactive minerals" means any naturally occurring material or mineral  
9 from which can be obtained any of the following substances, uranium,  
10 thorium, plutonium, neptunium or any of their respective compounds or any  
11 other substance which may be used for the production or use of atomic  
12 energy or research into matters connected therewith;

13 "radioactive products" means any radioactive material produced in, or any  
14 material made radioactive by exposure to the radiation incidental to the  
15 process of utilizing nuclear fuel;

16 "radioactive waste" means material that contains or is contaminated with  
17 radionuclide at concentrations or activities greater than exemption levels as  
18 established by the Competent Authority and for which no immediate use is  
19 foreseen;

20 "regulatory authority" means anybody or bodies given the legal authority by  
21 the Federal Government to grant licenses and to regulate the siting, design,  
22 construction, commissioning, operation or decommissioning of nuclear  
23 installations and for activities involving radiation sources;

24 "restricted security area" means any area declared to be restricted security  
25 area;

26 "restricted material" means any substance declared to be restricted material;

27 "restricted matter" means any or all of the following, namely-

28 (a) source material;

29 (b) special nuclear matter;

30 (c) restricted material;

- 1 (d) uranium;
- 2 (e) nuclear fuel; and
- 3 (f) nuclear related equipment and material;
- 4 "SDR (Special Drawing Rights)" means the international accounting unit as
- 5 determined by the International Monetary Fund (IMF);
- 6 "spent nuclear fuel" or "spent fuel" means nuclear fuel that has been irradiated
- 7 in a reactor core and that has been permanently removed from the core;
- 8 "storage" the holding of nuclear material or radioactive materials, including
- 9 spent fuel or radioactive waste, in a facility that provides for their containment,
- 10 with the intention of retrieval;
- 11 "undertaking" means any trade, practice, business or profession and in relation
- 12 to a public or local authority, includes any of the powers or duties of that
- 13 authority, and, in relation to any other body of persons, whether corporate or
- 14 incorporate, includes any of the activities of that body;
- 15 "university based centres" means centres of the Commission affiliated to a
- 16 University.
- Short title 17 **74.** This Act may be cited as the Nigeria Atomic Energy Commission
- 18 Act (Repeal and Enactment) Bill, 2022.

## SCHEDULES

## FIRST SCHEDULE

*[Section 2 (6).]*

## SUPPLEMENTARY PROVISIONS RELATING TO THE

## BOARD OF COMMISSION, ETC.

*Proceedings of the Board*

1. Subject to this Act and to section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or any of its committees.

2. The Board shall meet not less than two times in each year and on such other occasions as the Board may consider necessary.

3. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting, by another member delegated by the Chairman to preside at the meeting.

4. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person delegated to act as Chairman under paragraph 3 of this schedule and eight other members.

5. Where, on any special occasion, the Board desires to obtain the advice of any person on any particular matter, it may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted, shall have all rights and privileges of a member, but shall not be entitled to vote or count towards a quorum at a meeting of the Board.

*Committees*

6.-(1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit, to consider and report on any matter with which the Commission is concerned.

(2) A Committee appointed under this paragraph shall be presided over by a member of the Commission and shall be made up of such number



1 of persons, not necessarily members of the Board as may be determined by the  
2 Board.

3 (3) A decision of a Committee of the Board shall be of no effect until it  
4 is confirmed by the Board.

5 *Miscellaneous*

6 7. The fixing of the seal of the Commission shall be authenticated by  
7 the signature of the Executive Vice Chairman or any other officer authorized in  
8 that behalf by the Board.

9 8. Any contract or instrument which, if made or executed by a person  
10 not being a body corporate, would not be required to be under seal, may be  
11 made or executed on behalf of the Board by the Executive Vice Chairman or  
12 any person generally or specially authorized by the Board to act for that  
13 purpose.

14 9. Any document purporting to be a contract, instrument or other  
15 document duly signed or sealed on behalf of the Board shall be received in  
16 evidence and shall, unless the contrary is proved, be presumed without further  
17 proof to have been so signed or sealed.

18 10. The validity of any proceedings of the Board or a committee  
19 thereof shall not be affected by-

20 (a) any vacancy in the membership of the Board or committee; or

21 (b) any defect in the appointment of a member of the Board or  
22 committee; or

23 (c) reason that a person not entitled to do so took part in the  
24 proceedings.

## SECOND SCHEDULE

*Categorization of Nuclear Material*

Material	Form	Category		
		I	II	III <sup>c/</sup>
1. Plutonium <sup>a/</sup>	Unirradiated <sup>b/</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	Unirradiated <sup>b/</sup>  uranium enriched to 20% <sup>235</sup> U or more  uranium enriched to 10% <sup>235</sup> U but less than 20%  uranium enriched above natural, but less than 10% <sup>235</sup> U	5 kg or more	Less than 5 kg but more than 1 kg  10 kg or more	1 kg or less but more than 15 g  Less than 10 kg but more than 1 kg  10 kg or more
3. Uranium-233	Unirradiated <sup>b/</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated fuel			Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content) <sup>d/e/</sup>	

- 1 (a) All plutonium except that with isotopic concentration exceeding  
2 80% in plutonium-238;
- 3 (b)/ Material not irradiated in a reactor or material irradiated in a  
4 reactor but with a radiation level equal to or less than 100 rads/hour at one  
5 metre unshielded;
- 6 (c) Quantities not falling in Category III and natural uranium should  
7 be protected in accordance with prudent management practice;
- 8 (d) Although this level of protection is recommended, it would be  
9 open to States, upon evaluation of the specific circumstances, to assign a  
10 different category of physical protection;
- 11 (e)/Other fuel which by virtue of its original fissile material content is  
12 classified as Category I and II before irradiation may be reduced one category  
13 level while the radiation level from the fuel exceeds 100 rads/hour at one metre  
14 unshielded.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigeria Atomic Energy Commission Act (Cap. N91), LFN, 2004 and Enact the Nigeria Atomic Energy Act, to among other things, streamline its provisions to cater for robust implementation of the National Nuclear Energy programme in line with acceptable international standards, compliance with Nigeria's obligations under relevant international legal instruments. The Bill also lays down general principles for the use of nuclear energy and the implementation of nuclear waste management by competent authorities.