

DECREE - LAW 131 OF 1977 ON THE CONTROL OF THE USE OF IONIZING RADIATION AND PROTECTION FROM THE HAZARDS

We, Sabah al-Salem al-Sabah, Amir of Kuwait,
Taking into account the State order issued on 29 August 1976 (4 Ramadan 1396)
Relating to revision of the constitution.
On the basis of the proposal submitted by the Minister of Public Health and
With the agreement of the Council of Ministers
Have issued the following law:

Section 1 Definitions

For the purposes of this Law and of executive decrees issued under it,

1. Radiation work means any work requiring the use of radioactive substances or radiation services or other devices intended for production of ionizing radiation and also any technical work in which sources of nuclear energy are used.
2. Ionizing radiation means electromagnetic or corpuscular radiation, which causes ionization in its passage through a substance.
3. Radiation devices mean the devices used for the production of X-rays or gamma rays or for acceleration or atomic particles or for generation of any radiation having a similar biological effect.
4. Radioactive substance means any substance simultaneously emitting ionizing radiation exceeding two-thousandths of a micro-curie program of the substance or equivalent thereof.
5. Competent authority means the authority designated by the Minister of Public Health for the purpose of exercising authority based on this law.

Section 2 No radiation device or radioactive substance may be imported, exported, manufactured, possessed, bought, sold, transported or disposed of without a license obtained for the purpose from the Ministry of Public Health. The licensing conditions and procedures and the period of validity of the license shall be laid by an executive decree of the Minister of Public Health.

Section 3 Ionizing radiation may not be used or handed in any manner without a license obtained for the purpose from the Ministry of Public Health. The licensing conditions and procedures and the period of validity of the license shall be laid down by an executive decree of the Minister of Health.

Section 4 The licensee may not go beyond the limits of the license granted to him nor make any modifications to the licensed devices or substances without the Ministry's approval. He shall take the necessary precautionary measures to ensure the safety of public and radiation workers and to protect the environment, in which matter he and those carrying out work involving these devices and substances shall strictly comply with the requirements to be laid

down by an executive decree of the Minister of Public Health

Section 5 The premises where radiation devices or radioactive substances are used or kept must satisfy the conditions to be specified by an executive decree of the Minister of Public Health, and the licensee may not shift the devices or substances from the licensed premises to other premises nor, make any modifications to the premises or the buildings where these devices or substances are located without obtaining prior approval from the Commission referred to in the next section.

Section 6 A commission to be called the Radiation Protection Commission shall be established in the Ministry of Public Health. It shall be constituted by an executive decree of the Minister of Public Health and shall have the following functions:

1. To consider matters relating to radiation protection and to formulate the policy for its implementation.
2. To approve the licenses stipulated under this law and to cancel, modify and suspend those licenses.
3. To draft the regulations and decrees referred to in Sections 2, 3, 4 and 11 of this law.
4. To make recommendations and proposals concerning legislation relating to radiation protection.

The Commission may delegate all or part of these functions to the competent Authority.

Section 7

The Competent Authority shall be responsible for matters relating to the licensing, control and inspection of radiation devices and radioactive substances and the premises where they are located and of persons using them in accordance with the provision of this Law.

Section 8 Any one licensed to use or keep radiation devices or radioactive substances must notify the Competent Authority:

1. In case of loss of any radioactive substance or radiation device, within 24 hours of the loss;
2. In case of any accident which may result in the exposure of any person to an ionizing radiation dose above the permissible limit stipulated in the requirements to be laid down by an executive decree of the Minister of Public Health, within 24 hours of the accident with a detailed report on the accident and its causes.

The competent Authority shall co-operate with the authorities concerned in taking the necessary measures to prevent the hazards of accidents and emergency situations which might lead to radiation exposure and to avoid their repetition. The licenses shall implement the measures decided upon by the Competent Authority in this matter.

Section 9 The Radiation Protection Commission may cancel the license referred

to in Sections 2 and 3 of this law in the following cases:

1. If it is found that the licenses submitted incorrect statements or resorted to illegal means as a result of which the license was issued.
2. If the licensee has violated on the conditions or requirements stipulated in this Law or in executive decrees issued under it.
3. If the licensee has violated the conditions stipulated in the license.
4. If the licensee dies or is affected by a disease rendering him incapable of work with ionizing radiation.
5. If it is found that there are exposure hazards for the licensee or his employees or third parties.
6. If public interest so demands.

The Commission may with immediate effect suspend a license for a period specified by it. It may also grant the licensee time to comply with the stipulated conditions and requirements or to take the appropriate measures before canceling his license.

The Commissions decision about cancellation or suspension of a license shall be implemented by administrative action and the licensee may appeal to the Minister of Health against the Commissions decision on cancellation or suspension within a month of being notified thereof. The Minister shall give his decision on the appeal after obtaining the opinion of the Radiation Protection Commission, and his decision in this matter shall be final.

Section 10 In case of import, possession, purchase or sale of radiation devices or radioactive substances without a license, the Competent Authority shall sequester by administrative action those devices or substances and deposit them in the stores of the Ministry of Public Health or in any location that it considers suitable, applying the appropriate protection measures at the expense of the offender, and referring him to the competent authorities in accordance with the criminal procedure code.

If the licensee has not taken the necessary precautionary measures to ensure radiation protection, the above Authority may also, if needed, take those measures at the expense of the licensee.

Section 11 The holder of a license to use or keep radiation devices or radioactive substances shall not allow any person to work with ionizing radiation or to perform any other work which may expose him to the hazards of ionizing radiation except after medical examination and special conditions and procedures to be laid down by an executive decree of the Minister of Public Health.

Medical examinations shall be carried out periodically at intervals to be specified by the Competent Authority.

Section 12 No person under the age of 18 years shall be employed in any work in which he may be exposed to ionizing radiation.

Section 13 If it is found that there are hazards to the health of a worker during the performance of his work or because of his work at a place where he

may be exposed during his presence, the licensee shall not allow his to continue his work and he may not resume work in the radiation area without the approval of the Competent Authority.

Section 14 Employees delegated by the Minister shall undertake the supervision and inspection work according to the provisions of this law. The employees have the right to enter establishments and locations where radiation instruments and radioactive materials, records, or documents, are present. They also have the right to review records, and take needed measures to verify the implementation of the provision of this law and its executive decisions. Employees have the right to file reports pertaining to crimes in violation of the provisions of this law, and refer them to the authorities. They may also ask for the aide of the police according to the situation.

Section 15 Persons using, working in the field of or in position of radiation instruments or radioactive materials at the time the law enters into effect, must apply to the Committee on Radiation Protection to acquire licenses stipulated in article 2, and 3 within 90 days of the date of the law in force. In cases where an application is not filed or filed and rejected within this period, the possession of these instruments or materials is considered without a license, and the applicable provisions shall be implemented.

Section 16 The Minister of Public Health shall issue a decision specifying the fixed fees on licenses, and on procedures stipulated in this law.

Section 17 Without violation of tougher punishment stipulated by another law, violation of the provisions of articles 2, 3, 4, and 8 of this law is punishable by an imprisonment period not exceeding 3 years and a fine of not less than 100KD, and not exceeding 225 KD or by one of these two sentences.

The same sentence is applicable to any one preventing specialized employees from performing their duties stipulated in this law.

Violation of articles 5, 11, 12, and 13 of this law, and its executive decisions is punishable by an imprisonment period of 3 months, and a fine not exceeding 200KD or one of these two sentences.

Section 18 The Minister of Public Health shall issue the executive decisions of this law.

Section 19 The Ministers in their respective areas of competence shall implement this law, and it shall enter into force on the date of its publication in the official Gazette.

Sabah al-Salem al-sabah

Amir of Kuwait

Jabir al-Ahmad al-Jabir al-Sabah

Prime Minister

Abdul-Rahman Abdullah al Awadi

Minister of Public Health

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