

Rwanda

## Presidential Order establishing Rwanda Atomic Energy Board

### Presidential Order 127 of 2020

Legislation as at 4 December 2020

FRBR URI: /akn/rw/act/po/2020/127/eng@2020-12-04

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PDF created on 21 February 2024 at 16:32.

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## Rwanda

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## Presidential Order 127 of 2020

Published in Official Gazette special on 4 December 2020

**Assented to on 3 December 2020**

**Commenced on 4 December 2020**

*[This is the version of this document from 4 December 2020.]*

**We, KAGAME Paul,**

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles, 112, 120, 122 and 176;

Pursuant to Organic Law n° 001/2020 of 08/06/2020 establishing general provisions governing public institutions, especially in Article 4;

On proposal by the Minister of Public Service and Labour;

After consideration and approval by the Cabinet, in its meeting of 27/10/2020;

**HAVE ORDERED AND ORDER:**

### Chapter One

#### General provisions

#### Article One – Purpose of this Order

This Order establishes Rwanda Atomic Energy Board. It also determines its mission, responsibilities, powers, organisation and functioning.

#### Article 2 – Establishment

Rwanda Atomic Energy Board, hereinafter referred to as “the Board”, is established.

#### Article 3 – Definition of atomic energy

In this Order, atomic energy refers to the energy released by atoms in atomic reactions.

Atomic energy is also referred as nuclear energy, because it is released during nuclear fission or nuclear fusion.

#### Article 4 – Category

The Board falls within the category of non-commercial public institutions.

#### Article 5 – Head office

The Head Office of the Board is located in the City of Kigali, the Capital of the Republic of Rwanda. It may be transferred elsewhere in Rwanda if considered necessary.

The Board may, if considered necessary, have centers elsewhere in Rwanda, upon approval by its Board of Directors, in order to fulfil its mission.

## **Chapter II**

### **Mission, responsibilities and powers**

#### **Article 6 – Mission**

The mission of the Board is to promote peaceful use of atomic energy for sustainable socio-economic development.

#### **Article 7 – Responsibilities**

The Board has the following responsibilities:

- 1° to advise the Government on issues relating to atomic energy;
- 2° to promote peaceful use of atomic energy;
- 3° to determine peaceful use of nuclear power and other atomic energy applications;
- 4° to establish partnerships with national, regional or international entities in the field of atomic energy;
- 5° to promote and support the construction and maintenance of nuclear energy installations for the purposes of production of electric energy and other atomic energy applications;
- 6° to supervise and manage the acquisition and use of nuclear fuel;
- 7° to manage nuclear waste;
- 8° to provide guidance on research for peaceful use of nuclear materials;
- 9° to provide guidance on handling and mining of radioactive minerals;
- 10° to collaborate with institutions of higher learning and research institutes for the purposes of conducting research in matters related to peaceful use of atomic energy science and technology;
- 11° to engage in research and development activities in matters related to atomic energy for peaceful purposes;
- 12° to perform any other function as may be determined by the laws.

#### **Article 8 – Powers**

The Board is vested with the following powers:

- 1° to establish branches or appoint its representatives across the country, in order to carry out activities falling within its mission;
- 2° to enter into partnership agreements with individuals or legal entities inside or outside the country in order to accomplish its mission;
- 3° to engage in investments as provided by laws;
- 4° to bid for tenders and perform consultancy services inside or outside the country, in order to achieve its mission;
- 5° to apply for loans upon authorisation by the Ministry in charge of finance;
- 6° to procure and sell goods or services in accordance with the internal rules and regulations adopted by its Board of Directors;

- 7° to recruit employees of the Board;
- 8° to manage its finances and property in accordance with appropriate rules adopted by its Board of Directors.

### **Chapter III**

#### **Organisation and functioning**

#### **Article 9 – Supervising authority of the Board**

The Board is supervised by the Office of the President of the Republic.

#### **Article 10 – Management organs**

Management organs of the Board are the following:

- 1° the Board of Directors;
- 2° the Executive Organ.

#### **Section One – Board of Directors**

#### **Article 11 – Composition of the Board of Directors and term of office**

The Board of Directors of the Board is composed of seven (7) members. Members of the Board of Directors serve term of office of five (5) years renewable.

#### **Article 12 – Additional responsibilities of the Board of Directors**

Subject to the provisions of the Organic Law establishing general provisions governing public institutions, the Board of Directors has the following additional responsibilities:

- 1° to approve the procedures manual and internal rules and regulations;
- 2° to approve the annual draft budget proposal and to monitor the budget execution;
- 3° to approve the proposal of salary structure and fringe benefits for employees;
- 4° to approve the report on activities and use of assets for the previous year;
- 5° to approve the proposal of the organisational structure;
- 6° to approve the annual procurement plan;
- 7° to submit the activity report to the Office of the President of the Republic on a quarterly basis and whenever necessary;
- 8° to decide on all matters falling within the mission of the Board.

#### **Article 13 – Powers of the Board of Directors**

The Board of Directors of the Board is the supreme management and decision making organ. It is invested with extensive powers to make decisions regarding administration, human resources and the property of the Board in accordance with the law.

## **Article 14 – Duties of the Chairperson of the Board of Directors**

The Chairperson of the Board of Directors has the following duties:

- 1° to preside over the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to follow up on the implementation of resolutions of the Board of Directors;
- 4° to perform any other duties falling within the responsibilities of the Board of Directors as may be assigned to him or her by the Board of Directors.

## **Article 15 – Duties of the Deputy Chairperson of the Board of Directors**

The Deputy Chairperson of the Board of Directors has the following duties:

- 1° to assist the Chairperson and replace him or her in case of absence;
- 2° to perform any other duties falling within the responsibilities of the Board of Directors as may be assigned to him or her by the Board of Directors.

## **Article 16 – Reasons for loss of membership in the Board of Directors and modalities of replacement**

A member of the Board of Directors loses membership if:

- 1° his or her term of office expires;
- 2° he or she resigns in writing;
- 3° he or she is no longer able to perform his or her duties due to physical or mental disability ascertained by a committee of medical doctors comprising of three (3) recognized medical doctors;
- 4° he or she is sentenced to a term of imprisonment equal to or exceeding six (6) months in a judgement rendered in last instance;
- 5° he or she is absent in meetings for three (3) consecutive times without valid reasons;
- 6° he or she manifests any behaviour likely to compromise his or her dignity, that of his or her work or that of the institution for which he or she works;
- 7° he or she jeopardises the interests of the Board;
- 8° he or she no longer fulfils the requirements considered at the time of his or her appointment;
- 9° he or she dies.

In case a member of the Board of Directors leaves his or her duties before the expiration of his or her term of office, the competent authority appoints his or her substitute to complete the predecessor's term of office.

## **Article 17 – Convening and holding of a meeting of the Board of Directors and decision-making**

The meeting of the Board of Directors is held once a quarter and whenever necessary, upon invitation by its Chairperson or Deputy Chairperson in case of absence of the Chairperson, at their own initiative or upon request in writing by at least one-third ( $\frac{1}{3}$ ) of its members.

The invitation to the Board of Director's meeting is made in writing and submitted to members at least fifteen (15) days before the date of the meeting.



An extraordinary meeting is convened in writing at least three (3) working days before the date of the meeting.

The quorum for the meeting of the Board of Directors is two-thirds ( $\frac{2}{3}$ ) of its members. However, when the meeting is convened for the second time, it takes place regardless of the number of its members who are present.

The Chief Executive Officer of the Board attends meetings of the Board of Directors.

Modalities of decision-making by the Board of Directors are determined by the internal rules and regulations of the Board.

### **Article 18 – Invitation of a resource person to a meeting of the Board of Directors**

The Board of Directors may invite in its meeting any person from whom it may seek advice on certain item on the agenda.

The invited person is allowed neither to vote nor to follow debates on other items on the agenda.

### **Article 19 – Approval of resolutions and minutes of the Board of Directors’ meeting**

Resolutions of the meeting of the Board of Directors are signed by members immediately after the meeting; and its copy is sent to the supervising authority of the Board within five (5) working days.

The minutes of the meeting of the Board of Directors are jointly signed by the Chairperson and the rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the supervising authority of the Board within fifteen (15) working days from approval thereof.

### **Article 20 – Rapporteur of the Board of Directors**

The Chief Executive Officer of the Board serves as the rapporteur of the meeting of the Board of Directors but he or she has no right to vote in decision-making.

The Chief Executive Officer of the Board does not participate in the meetings that make decisions on issues that concern him or her. In that case, members of the Board of Directors at the meeting elect among themselves a rapporteur.

### **Article 21 – Personal interest in an issue on the agenda**

A member of the Board of Directors who has a direct or indirect interest in an issue to be considered must inform the Board of Directors where his or her interest lies. He or she cannot attend the meeting deliberating on that issue.

## **Section 2 – Executive Organ**

### **Article 22 – Composition of the Executive Organ**

The Executive Organ of the Board is composed of the Chief Executive Officer. It may also have a Deputy Chief Executive Officer if considered necessary.

### **Article 23 – Additional responsibilities of the Executive Organ**

Subject to the provisions of Organic Law establishing general provisions governing public institutions, the Executive Organ of the Board has the following additional responsibilities:

- 1° to monitor and coordinate daily activities of the Board;

- 2° to perform any other duty falling within the responsibilities of the Board as may be assigned by the Board of Directors.

### **Article 24 – Powers and responsibilities of the Chief Executive Officer**

The Chief Executive Officer has the power of decision in the administrative and financial management of the Board in accordance with relevant laws. He or she coordinates and directs the activities.

Especially, the Chief Executive Officer has the following responsibilities:

- 1° to prepare and submit to the Board of Directors a draft action plan and a draft budget proposal for the following year as well as the report on the execution of the budget of the previous fiscal year;
- 2° to prepare the draft organisational structure of the Board to be approved by the Board of Directors;
- 3° to submit to the Board of Directors the activity report of the Board at least once a quarter and whenever necessary;
- 4° to prepare drafts procedure manual and internal rules and regulations of the Board;
- 5° to ensure the execution of the budget and management of the property of the Board;
- 6° to prepare the action plan and the activity report to be approved by the Board of Directors;
- 7° to act as the legal representative of the Board and publicize its activities;
- 8° to perform other duties falling within the mission of the Board as may be assigned by the Board of Directors.

## **Chapter V Property and finance**

*[Please note: Chapter numbering as in original.]*

### **Article 25 – Property of the Board and its sources**

The property of the Board is comprised of movable and immovable assets.

The property of the Board derives from the following sources:

- 1° State budget allocations;
- 2° State or partners' subsidies;
- 3° income from various services and activities of the Board;
- 4° loans granted to the Board approved by the Minister in charge of finance;
- 5° return on investment;
- 6° donations and bequests.

### **Article 26 – Budget**

The Board prepares its annual budget to be adopted by the relevant authority.

### **Article 27 – Use, management and audit of finance and property of the Board**

The finance and property of the Board are used and managed in accordance with relevant laws.

Without prejudice to provisions of relevant laws, the audit of finance and property of the Board may be carried out by an external auditor appointed by the Board of Directors.

The internal audit service of the Board submits its report to the Board of Directors and provides a copy to the Chief Executive Officer of the Board.

The Office of the Auditor General of State Finances carries out audit of the management and use of the finance and property of the Board.

### **Article 28 – Annual financial report**

Within three (3) months following the closure of the financial year, the Chief Executive Officer of the Board submits the annual financial statements of the previous financial year and the action plan to the supervising authority of the Board after their approval by the Board of Directors in accordance with laws governing the management of State finance and property.

## **Chapter VI Final provisions**

### **Article 29 – Authorities responsible for the implementation of this Order**

The Prime Minister, the Minister of Public Service and Labour and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

### **Article 30 – Repealing provision**

All prior provisions contrary to this Order are repealed.

### **Article 31 – Commencement**

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.