

Version  
as at 28 October 2021



## Atomic Energy Act 1945

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

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#### Note

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

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

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

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**An Act to make provision for the control in New Zealand of the means of producing atomic energy and for that purpose to provide for the control of the mining and treatment of the ores of uranium and other elements which may be used for the production of atomic energy, and to provide for the vesting of such substances in the Crown**

## 1 Short Title

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

## 2 Interpretation

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

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

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

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

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

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

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

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

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

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

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

*This note is not part of the Act.*

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

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

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

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

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

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

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

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

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

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

### 3 Application of Act in Cook Islands

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

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

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

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

(2) *[Repealed]*

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

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

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

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

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

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

*[Repealed]*

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

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

*[Repealed]*

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

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

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

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

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

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

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

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

*[Repealed]*

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

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

*[Repealed]*

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

## **6 Disposition of prescribed substances**

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

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

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

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

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

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

**8 Uranium in its natural condition to be property of Crown**

*[Repealed]*

Section 8: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

**9 No compensation for uranium in natural condition**

*[Repealed]*

Section 9: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

**10 Minister may mine for prescribed substances**

*[Repealed]*

Section 9: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

**11 Disposal of land acquired but no longer required for purposes of this Act**

*[Repealed]*

Section 11: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

**12 No person to possess fissionable substances, etc, without consent**

- (1) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import or have in his possession or control any plutonium or other substance from which atomic energy may be produced more readily than from uranium of natural isotope composition.
- (2) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import, construct, have in his possession or control, or operate any machine, atomic pile, or apparatus which may be capable of producing atomic energy or which the Minister of Research, Science, and Technology has by notice in the *Gazette* for the purpose of this section declared to be an essential part of any such machine, pile, or apparatus as aforesaid.
- (3) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import, manufacture, or have in his possession or control any material or substance which that Minister has by notice in the *Gazette* for the purposes of this section declared to be essential to any process for the production of atomic energy.

Section 12(1): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 12(2): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 12(3): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

### 13 Universities and schools empowered to carry on certain experimental work

- (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, uranium and thorium of natural isotope composition of an amount not exceeding the appropriate amount mentioned in the next succeeding subsection may be possessed and used for the purpose of instruction and of investigation as to the properties and effects of radioactive and like radiations at any university in New Zealand, at any school providing secondary instruction, at any laboratory under the control of any department of State, and at any other laboratory for the time being approved by the Minister of Research, Science, and Technology.
- (2) The amount of uranium and of thorium that may be possessed and used as provided in the last preceding subsection shall be 1 pound each of uranium and of thorium, calculated by metal content, in the case of a school providing secondary instruction, and 20 pounds each of uranium and of thorium, calculated by metal content, in any other case:  
  
provided that the Minister of Research, Science, and Technology may from time to time by notice increase or reduce the amounts that may be possessed and used as aforesaid.
- (3) Notwithstanding anything to the contrary in the foregoing provisions of this Act any university in New Zealand, any laboratory under the control of any Department of State, and any laboratory for the time being approved by the Minister of Research, Science, and Technology, may import, purchase, construct, have possession and control of, and operate any machine, pile, or apparatus capable of the production of atomic energy at a rate not exceeding 1 000 watts, or at such other rate and under such conditions as may from time to time be fixed by the Minister of Research, Science, and Technology by notice, and may retain and use for experimental purposes the products produced thereby.
- (4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

<b>Publication</b>	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 13 heading: amended, on 16 October 1957, pursuant to section 3(2)(b) of the New Zealand University Amendment Act 1957 (1957 No 23).

Section 13(1): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(1): amended, on 1 January 1962, by section 59(1) of the Universities Act 1961 (1961 No 54).

Section 13(2) proviso: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 13(2) proviso: amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 13(3): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(3): amended, on 1 January 1962, pursuant to section 59(1) of the Universities Act 1961 (1961 No 54).

Section 13(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

#### **14 Restriction on trading in fissionable substances**

No person shall, without the prior written consent of the Minister of Research, Science, and Technology, export or sell or otherwise dispose of any isotope of uranium, or any plutonium or other substance from which atomic energy may be more readily obtained than from uranium of natural isotope composition, except to the Crown.

Section 14: amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

#### **15 Entry on land and premises**

- (1) Without prejudice to the provisions of section 4 of the Mining Amendment Act 1934, it is hereby declared that any person authorised either specially or generally by the Minister may enter on any premises on which any mining operations are carried on or on which the person or officer so authorised has reasonable grounds to suspect that there may be found minerals, concentrates, or other materials which have been mined, extracted, isolated, or concentrated and which contain any prescribed substance, for the purpose of ascertaining whether or not there is any prescribed substance on the premises or in any minerals, concentrates, or other materials thereon, and for that purpose the person or officer so authorised as aforesaid may make observations and tests and may extract and remove samples for further testing.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months who wilfully obstructs or interferes with any person exercising or attempting to exercise his powers under this section.

Section 15(1): amended, on 4 October 1957, by section 2(4)(d) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 15(1): amended, on 4 October 1957, by section 10 of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 15(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## 16 Granting of consents, etc

In granting any consent or approval or imposing any requirement under this Act, the Minister or the Minister of Research, Science, and Technology, as the case may be, may impose such conditions as he or she thinks fit.

Section 16: replaced, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

## 17 Service of notices

- (1) Any notice required to be given to any person for the purposes of this Act may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application or other document received from him for the purposes of this Act, or to be posted in a letter addressed to him at that place of abode or business or at that address.
- (2) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

## 18 Offences

Any person who fails to comply with, or contravenes, any provision, prohibition, condition, or requirement contained in or imposed under this Act commits an offence and, where no specific penalty is elsewhere provided, shall be liable on conviction to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding 6 months, or to both such fine and such imprisonment.

Section 18: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 18: amended, on 4 October 1957, by section 12(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

## 19 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

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

*This note is not part of the Act.*

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Section 19(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## Notes

### 1 *General*

This is a consolidation of the Atomic Energy Act 1945 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### 2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### 3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### 4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413

Research, Science, and Technology Act 2010 (2010 No 131): section 18

Crown Research Institutes Act 1992 (1992 No 47): section 46(1)

Resource Management Act 1991 (1991 No 69): section 362

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140): section 5

Ministry of Energy Act 1977 (1977 No 33): section 24

Mining Act 1971 (1971 No 25): section 245

Western Samoa Act 1961 (1961 No 68): section 9

Universities Act 1961 (1961 No 54): section 59(1)

New Zealand University Amendment Act 1957 (1957 No 23): section 3(1), (2)(b)

Atomic Energy Amendment Act 1957 (1957 No 12)