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CHEMICAL WEAPONS (PROHIBITION) ACT

(CHAPTER 37B)

CHEMICAL WEAPONS (PROHIBITION) REGULATIONS 2007

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CHEMICAL WEAPONS (PROHIBITION) ACT

(CHAPTER 37B)

CHEMICAL WEAPONS (PROHIBITION) REGULATIONS 2007

In exercise of the powers conferred by sections 9 (8), 12, 30 and 33 of the Chemical Weapons (Prohibition) Act, the Minister for Foreign Affairs hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Chemical Weapons (Prohibition) Regulations 2007 and shall come into operation on 14th December 2007.

PART II

LICENCES

Application for licence and renewal of licence

2. —(1) An application for a licence or the renewal of a licence shall be made to the Director-General in such form and manner as the Director-General may determine and shall be accompanied by such information, statement or document as the Director-General may require.

(2) Unless the Director-General otherwise permits, an application for a licence, made in accordance with paragraph (1), shall be received by the Director-General no later than 14 working days prior to the date of commencement of the activity in question.

(3) Unless the Director-General otherwise permits, an application for the renewal of a licence, made in accordance with paragraph (1), shall be received by the Director-General no later than 14 working days prior to the date of expiry of the licence.

(4) In considering an application for a licence or the renewal of a licence, the Director-General may, in his discretion, interview the applicant, visit any facility to which the application relates or make any other inquiry.

(5) The Director-General may, in his discretion, refuse to grant a licence to any applicant if

—
(a) the application was not made in accordance with paragraph (1);

- (b) the applicant has made or caused or allowed to be made, or produced in connection with the application, any false or fraudulent declaration or representation, whether or not in writing;
 - (c) the applicant has been convicted of an offence under the Act;
 - (d) the applicant was previously granted a licence (whether or not of the type applied for) which was subsequently cancelled or suspended; or
 - (e) in the opinion of the Director-General, the applicant is not a fit and proper person to hold the licence.
- (6) The Director-General may, in his discretion, refuse to renew a licence if —
- (a) the application was not made in accordance with paragraph (1);
 - (b) the applicant has made or caused or allowed to be made, or produced in connection with the application, any false or fraudulent declaration or representation, whether or not in writing;
 - (c) the applicant has, in the opinion of the Director-General, contravened any condition of the licence;
 - (d) the applicant has been convicted of an offence under the Act; or
 - (e) in the opinion of the Director-General, the applicant is no longer a fit and proper person to hold the licence.
- (7) In this regulation, “working day” means any day from Monday to Friday that is not a public holiday.

Duration and conditions of licence

- 3.** —(1) A licence shall be valid for such period as the Director-General may determine unless cancelled or suspended in accordance with these Regulations.
- (2) The holder of a licence to export a Schedule 2 chemical shall not export the chemical to a country or territory that is not a party to the Convention unless —
- (a) the chemical, if it is one specified in item A of Part II of the Schedule to the Act, forms no more than 1% by weight of a mixture or, if it is one specified in item B of Part II of that Schedule, forms no more than 10% by weight of a mixture;
 - (b) the mixture is or is part of goods identified as consumer goods and packaged for retail sale for personal use, or packaged for individual use; and
 - (c) he submits to the Director-General before the export an end-user certificate by the end-user in the country or territory of destination.

(3) The holder of a licence to export a Schedule 3 chemical shall not export the chemical to a country or territory that is not a party to the Convention unless he submits to the Director-General before the export an end-user certificate by the end-user in the country or territory of destination.

(4) Paragraph (3) does not apply to the export of a Schedule 3 chemical if —

(a) the chemical forms no more than 30% by weight of a mixture; and

(b) the mixture is or is part of goods identified as consumer goods and packaged for retail sale for personal use, or packaged for individual use.

(5) The end-user certificates referred to in paragraphs (2) and (3) shall be in a form specified by the Director-General and shall state —

(a) the type and total quantity of the chemical to be exported;

(b) the purpose for which the chemical is to be used;

(c) the name and address of the user of the chemical; and

(d) such other information as the Director-General may require.

(6) The end-user certificates referred to in paragraphs (2) and (3) shall be accompanied by —

(a) an undertaking by the user of the chemical that the chemical will only be used for a permitted purpose and will not be retransferred; and

(b) a statement by the government of the country or territory of destination certifying the matters referred to in paragraph (5) (a), (b) and (c) and sub-paragraph (a).

Cancellation and suspension of licence

4. —(1) The Director-General may cancel or suspend a licence for such period as the Director-General thinks fit if the holder of the licence —

(a) has made or caused or allowed to be made, or produced in or in connection with any application made by him for the licence or the renewal of the licence, any false or fraudulent declaration or representation, whether or not in writing;

(b) has, in the opinion of the Director-General, contravened any condition of the licence;

(c) has been convicted of an offence under the Act;

(d) in the case of a corporation or firm, winds up or goes into liquidation or is otherwise dissolved, as the case may be; or

(e) applies to have his licence cancelled.

(2) A person whose licence is cancelled or suspended shall surrender the licence to the Director-General within such time as the Director-General may specify.

(3) Any person who fails to comply with paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) The Director-General may at any time, and for such reason as he considers sufficient, reduce the period for which a licence has been suspended.

Amendment of licence

5.—(1) The holder of a licence who wishes to —

(a) carry out any activity for which he is licensed in relation to any chemical that is additional to that for which he is licensed;

(b) carry out any activity that is additional to the activity for which he is licensed, in relation to any chemical for which he is licensed or any chemical that is additional thereto;

(c) vary the quantity of any chemical for which he is licensed; or

(d) amend any other particular or information specified in the licence, shall apply to the Director-General for an amendment of his licence.

(2) The application shall be made in such form and manner as the Director-General may determine and shall be accompanied by such information, statement or document as the Director-General may require.

(3) An application for a purpose referred to in paragraph (1) (a), (b) or (c) shall be made no later than 14 working days prior to the date of commencement of the activity in question.

(4) The Director-General may, upon approval of an application, make such variations to the terms and conditions of the licence as he considers appropriate.

(5) Upon approval of an application, the Director-General shall forward a duly amended licence to the holder, and the holder shall surrender the original licence to the Director-General within 14 working days of the receipt of the first-mentioned licence.

(6) A holder of a licence who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(7) In this regulation, “working day” means any day from Monday to Friday that is not a public holiday.

Replacement licence

6. If the Director-General is satisfied that any licence granted by him has been lost, destroyed or defaced, the Director-General may grant a replacement licence.

No licence required for mixtures containing low concentrations of certain chemicals

7. Section 9 (1) of the Act does not apply to —

(a) the production, processing or consumption for a permitted purpose, the import or the export to a country or territory that is a party to the Convention, of a mixture containing 30% or less by weight of a chemical specified in item B of Part II of the Schedule to the Act; and

(b) the production for a permitted purpose, the import or the export to a country or territory that is a party to the Convention, of a mixture containing 30% or less by weight of a Schedule 3 chemical.

Appeals

8. A person who is aggrieved by a decision of the Director-General not to grant a licence to him or renew his licence, or to cancel or suspend his licence, may appeal to the Minister within 30 days of the decision.

PART III**REPORTS FOR DIRECTOR-GENERAL****Documents**

9. The documents referred to in this Part are those set out at the Singapore Customs' website at www.customs.gov.sg, and any reference in this Part to a numbered document shall be construed as a reference to the current version of the document bearing the corresponding number which is displayed at that website.

Reports as to anticipated production, etc., of scheduled chemicals

10. —(1) A person who intends to produce a Schedule 1 chemical in the following year shall give to the Director-General, before the 15th day of August of the current year, a report comprising document numbers C, 1.1 and 1.4, stating —

(a) the anticipated quantity and type of chemical to be produced;

(b) the purpose for which the chemical is to be used;

(c) the place where the chemical is proposed to be produced and the owner of that place; and

(d) such other information as the Director-General may require.

(2) A person who intends to produce, consume or process a Schedule 2 chemical in the following year shall give to the Director-General, before the 15th day of September of the current year, a report comprising document numbers C, 2.1 and 2.2, stating —

- (a) the anticipated quantity and type of chemical to be produced, consumed or processed;
- (b) the purpose for which the chemical is to be used;
- (c) the place where the chemical is proposed to be produced, consumed or processed and the owner of that place; and
- (d) such other information as the Director-General may require.

(3) A person who intends to produce a Schedule 3 chemical in the following year shall give to the Director-General, before the 15th day of September of the current year, a report comprising document numbers C, 3.1 and 3.2, stating —

- (a) the anticipated quantity and type of chemical to be produced;
- (b) the purpose for which the chemical is to be used;
- (c) the place where the chemical is proposed to be produced and the owner of that place; and
- (d) such other information as the Director-General may require.

(4) A person referred to in paragraph (1), (2) or (3) who is unable to give any of the information referred to in that paragraph by the date referred to in that paragraph shall give the information to the Director-General —

- (a) in the case of information referred to in paragraph (1), at least 200 days; or
- (b) in the case of information referred to in paragraph (2) or (3), at least 20 days, before the date of commencement of the production, consumption or processing, as the case may be, of the scheduled chemical in question.

(5) A person referred to in paragraph (1), (2) or (3) shall report any change to any information given to the Director-General under that paragraph —

- (a) in the case of information referred to in paragraph (1), at least 200 days; or
- (b) in the case of information referred to in paragraph (2) or (3), at least 20 days, before putting into effect the change.

(6) The Director-General may, in any case, substitute the period referred to in paragraph (4) or (5) with a shorter period if he considers it appropriate to do so in the circumstances of the case.

(7) Any person who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Reports as to use, etc., of scheduled chemicals

11.—(1) A person who in any year (referred to in this regulation as the relevant year) uses, develops, produces, acquires, stockpiles, retains or transfers any toxic chemical or its precursor to which any provision of Parts VI to IX of the Verification Annex applies shall give to the Director-General, before the 31st day of January of the following year, a report comprising —

- (a) in the case of a Schedule 1 chemical, document numbers C, 1.1, 1.2 and 1.3;
- (b) in the case of a Schedule 2 chemical, document numbers C, 2.1, 2.2 and 2.3;
- (c) in the case of a Schedule 3 chemical, document numbers C, 3.1, 3.2 and 3.3; and
- (d) in the case of a discrete organic chemical not listed in the Schedule to the Act, document numbers C, 4.1 and 4.2, stating —
 - (i) the type and total quantity of the toxic chemical or precursor used, developed, produced, acquired, stockpiled, retained or transferred in the relevant year;
 - (ii) the purpose for which the toxic chemical or precursor is to be used; and
 - (iii) such other information as the Director-General may require.

(2) A person who wishes to transfer a Schedule 1 chemical shall give to the Director-General a report comprising document numbers T-1A and T-1B —

- (a) in the case of a transfer of an amount of Saxitoxin not exceeding 5 mg for a medical or diagnostic purpose, at least 5 days before the intended date of transfer; or
- (b) in any other case, at least 45 days before the intended date of transfer.

(3) The report referred to in paragraph (2) shall state the following:

- (a) the type and total quantity of the chemical or precursor to be transferred;
- (b) the purpose for which the chemical or precursor is to be used;
- (c) the name and address of the recipient of the chemical or precursor; and

(d) such other information as the Director-General may require.

Record keeping

12. A person required to give a report to the Director-General under regulation 10 or 11 shall keep a copy of each report forwarded to the Director-General for at least 5 years after the end of the year to which the report relates.

PART IV**COMPOSITION OF OFFENCES****Compoundable offences**

13. The following offences may be compounded by the Director-General in accordance with section 30 of the Act:

- (a) any offence under sections 9 (7), 12 (2), 13 (4) and 25 (1) of the Act; and
- (b) any offence under regulations 4 (3), 5 (6) and 10 (7).

Made this 14th day of December 2007.

PETER HO
*Permanent Secretary,
Ministry of Foreign Affairs,
Singapore.*

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