



# Chemical Weapons Act 1996

## 1996 CHAPTER 6

### *Offences: miscellaneous*

#### **29 Power to search and obtain evidence**

(1) If—

- (a) a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises or that evidence of the commission of such an offence is to be found there, or
- (b) in Scotland a justice, within the meaning of section 307 of the Criminal Procedure (Scotland) Act 1995, is satisfied by evidence on oath as mentioned in paragraph (a) above,

he may issue a warrant in writing authorising a person acting under the authority of the Secretary of State to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.

(2) A person who enters the premises under the authority of the warrant may—

- (a) take with him such other persons and such equipment as appear to him to be necessary;
- (b) inspect any document found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act;
- (c) take copies of, or seize and remove, any such document;
- (d) inspect, seize and remove any device or equipment found on the premises which he has reasonable cause to believe may be required as such evidence;
- (e) inspect, sample, seize and remove any substance found on the premises which he has reasonable cause to believe may be required as such evidence;
- (f) search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession of any document, device, equipment or substance;

but no woman or girl shall be searched except by a woman.

- (3) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a constable.

### **30 Forfeiture in case of conviction**

- (1) The court by or before which a person is convicted of an offence under this Act may order that anything shown to the court's satisfaction to relate to the offence shall be forfeited, and either destroyed or otherwise dealt with in such manner as the court may order.
- (2) In particular, the court may order the thing to be dealt with as the Secretary of State may see fit; and in such a case the Secretary of State may direct that it be destroyed or otherwise dealt with.
- (3) Where—
- (a) the court proposes to order anything to be forfeited under this section, and
  - (b) a person claiming to have an interest in it applies to be heard by the court,
- the court must not order it to be forfeited unless he has been given an opportunity to show cause why the order should not be made.

### **31 Offences: other provisions**

- (1) Proceedings for an offence under section 2 or 11 shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Attorney General;
  - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
- (2) Proceedings for an offence under any provision of this Act other than section 2 or 11 shall not be instituted except by or with the consent of the Secretary of State; but the preceding provisions of this subsection do not apply to Scotland.
- (3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,
- he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) In subsection (3) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.