



Chemical Weapons Act 1996

1996 CHAPTER 6

Chemical weapons

5 Power to remove or immobilise objects.

- (1) If the Secretary of State has reasonable cause to believe that—
- an object is on premises to which the public has access or which are occupied by a person who consents to action being taken under this subsection, and
 - the object is a chemical weapon,
- the Secretary of State may authorise a person to enter the premises and to search them.
- (2) If—
- a justice of the peace is satisfied on information on oath that there is reasonable cause to believe that an object is on premises (of whatever nature) and that it is a chemical weapon, or
 - in Scotland a justice, within the meaning of section 307 of the ^{M1}Criminal Procedure (Scotland) Act 1995, is satisfied by evidence on oath as mentioned in paragraph (a),
- 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.
- (3) A person who acts under an authorisation given under subsection (1) or (2) may take with him such other persons and such equipment as appear to him to be necessary.
- (4) If a person enters premises under an authorisation given under subsection (1) or (2) and the object is found there he may make the object safe and—
- he may seize and remove it if it is reasonably practicable to do so, or
 - he may in any other case affix a warning to the object or to something in a conspicuous position near the object, stating that the object is not to be moved or interfered with before a date specified in the warning.

Changes to legislation: There are currently no known outstanding effects for the Chemical Weapons Act 1996, Section 5. (See end of Document for details)

- (5) For the purposes of subsection (4) an object is made safe if, without being destroyed, it is prevented from being an immediate danger (as where a fuse is neutralised or the object is smothered in foam).
- (6) The powers conferred on an authorised person under this section shall only be exercisable, if the authorisation under subsection (1) or the warrant so provides, in the presence of a constable.
- (7) This section applies whether or not any copy of a notice has been served under section 4.

Modifications etc. (not altering text)

C1 [S. 5](#) extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565](#), [art. 4](#), [Sch.](#)

Marginal Citations

M1 [1995 c. 46](#).

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