

2004 No. 2406

CHEMICAL WEAPONS

**The Chemical Weapons (Notification) (Amendment)
Regulations 2004**

<i>Made</i> - - - -	<i>6th September 2004</i>
<i>Laid before Parliament</i>	<i>15th September 2004</i>
<i>Coming into force</i> - -	<i>7th October 2004</i>

The Secretary of State, in exercise of the powers conferred on her by section 23(1) of the Chemicals Weapons Act 1996(a), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Chemical Weapons (Notification) (Amendment) Regulations 2004 and shall come into force on 7th October 2004.

(2) In these Regulations —

“the principal Regulations” means the Chemical Weapons (Notification) Regulations 1996(b);

“electronic communications network” has the same meaning as in section 32 of the Communications Act 2003(c).

Amendments to the principal Regulations

2.—(1) The principal Regulations shall be amended as set out in this regulation.

(2) For regulation 3(3) there shall be substituted —

“(3) Any notice to be given by a person under paragraph (1) or (2) above shall be in writing and shall be sent by post or delivered to the Chemical Weapons Convention UK National Authority, Department of Trade and Industry, 1st Floor, 4 Abbey Orchard Street, London, SW1P 2HT, or sent by means of an electronic communications network to www.dti.gov.uk/non-proliferation/cwcna.”

(3) For regulation 4(1) there shall be substituted —

“4.—(1) Subject to paragraphs (3) and (4) below, a person shall notify the Secretary of State on or before 15th January each year if he has—

(a) produced, processed, consumed, imported or exported in the previous calendar year any toxic chemical or precursor listed in Schedule 2, or

(a) 1996 c.6
(b) S.I. 1996/2503
(c) 2003 c.21

- (b) operated a plant site in which a plant has produced, processed or consumed during any of the previous three calendar years any toxic chemical or precursor listed in Schedule 2, more than
- (i) 1kg of a toxic chemical designated “*” in Part A of Schedule 2;
 - (ii) 100kg of any other toxic chemical listed in Part A of Schedule 2;
 - (iii) or 1 tonne of any precursor listed in Part B of Schedule 2.”
- (4) For regulation 4(3) there shall be substituted —
- “(3) A person need not notify the Secretary of State in respect of the production, processing, consumption, import or export of a toxic chemical designated “*” in Part A of Schedule 2 or any other toxic chemical listed in Part A of Schedule 2 if it was or is to be contained in a mixture and constituted or will constitute 1% or less of the mixture by weight.”
- (5) After regulation 4(3) there shall be added the following —
- “(4) A person need not notify the Secretary of State in respect of the production, processing, consumption, import or export of any precursor listed in Part B of Schedule 2 if it was or is to be contained in a mixture and constituted or will constitute 30% or less of the mixture by weight.”
- (6) — For regulation 5(1) there shall be substituted —
- “5.—(1) Subject to paragraph (3) below, a person shall notify the Secretary of State on or before 15th January each year if he has produced, imported or exported during the previous calendar year any Schedule 3 toxic chemical or precursor.”.
- (7) For regulation 5(3), there shall be substituted —
- “(3) A person need not notify the Secretary of State in respect of the production, export or import of a Schedule 3 toxic chemical or precursor if it was or is to be contained in a mixture and constituted or will constitute 30% or less of the mixture by weight.”

6th September 2004

Nigel Griffiths,
Parliamentary Under Secretary of State for Small Business and Enterprise,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations introduce changes of a technical nature to the Chemical Weapons (Notifications) Regulations 1996 which have been agreed by all States Parties to the Chemical Weapons Convention at the Conference of States Parties at the Organisation for the Prohibition of Chemical Weapons. The changes reflect current UK practice. The changes relate to the procedure for notifying the Secretary of State of chemicals used, and the thresholds applicable to such notifications.

A full regulatory impact assessment has not been produced for these Regulations as it has no impact on the costs of business.

STATUTORY INSTRUMENTS

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