

SCHEDULE 1

PROVISIONS OF THE CHEMICAL WEAPONS ACT 1996 AS EXCEPTED, ADAPTED AND MODIFIED AND EXTENDED TO THE TERRITORIES LISTED IN SCHEDULE 3

Chemical Weapons

Power to enter premises and destroy objects

7.—(1) This section applies if a warning has been affixed under section 5, and for the purposes of this section—

- (a) the first six-month period is the period of six months beginning with the day after the warning was affixed;
- (b) the second six-month period is the period of six months beginning with the day after the first six-month period ends.

(2) If at any time in the second six-month period the Governor decides that the object should be destroyed it may be destroyed as provided by subsections (6) to (9); but this is subject to subsections (3) to (5).

(3) If at any time in the first six-month period—

- (a) any person appears to the Governor to have had the object in his possession immediately before the warning was affixed, or
- (b) any person not falling within paragraph (a) appears to the Governor to have an interest which the Governor believes would be materially affected by the object's destruction,

the Governor must serve on such a person a copy of a notice falling within subsection (4).

(4) A notice falling within this subsection is a notice which—

- (a) describes the object and states its location;
- (b) states that the Governor proposes to secure its destruction and gives the reasons for his proposal;
- (c) states that the person on whom the copy of the notice is served may object to the Governor's proposal;
- (d) states that an objection (if made) must be made in writing to the Governor before such date as is specified in the notice and must state why the object should not be destroyed.

(5) Before he reaches a decision under subsection (2) the Governor must—

- (a) allow any person on whom a copy of a notice has been served under subsection (3) time to respond, and
- (b) take into account any objections to the object's proposed destruction (whether made in response to a notice or otherwise).

(6) If—

- (a) at any time in the second six-month period the Governor decides that the object should be destroyed, and
- (b) the 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,

the Governor may authorise a person to enter the premises and to destroy the object if it is found there.

(7) If (whatever the nature of the premises concerned) a justice of the peace is satisfied on information on oath that a warning has been affixed under section 5, and that the Governor has

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decided at any time in the second six-month period that the object should be destroyed, he may issue a warrant in writing authorising a person acting under the authority of the Governor 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 destroy the object if it is found there.

(8) A person who acts under an authorisation given under subsection (6) or (7) may take with him such other persons and such equipment as appear to him to be necessary.

(9) The powers conferred on an authorised person under this section shall only be exercisable, if the authorisation under subsection (6) or the warrant so provides, in the presence of a police officer.

(10) Where an object is destroyed under this section the Governor may recover from a responsible person any costs reasonably incurred by the Governor in connection with the destruction; and a responsible person is any person who had possession of the object immediately before the warning was affixed under section 5.