

# **Chemical Weapons (Prohibition) Regulations 2007**

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**No. S 669**

#### **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 import or export a Schedule 2 chemical shall not transfer 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; or
- (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,
- (c) and, where the licence is for the export of the chemical, he submits to the Director-General before the export an end-user certificate by the end-user in the country or territory of destination.

*[S 601/2011 wef 01/11/2011]*

(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; or
- (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.

*[S 601/2011 wef 01/11/2011]*

(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 subparagraph (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,