

# **Chemical Weapons (Prohibition) Act**

## **(CHAPTER 37B)**

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# **CHEMICAL WEAPONS (PROHIBITION) ACT**

## **(CHAPTER 37B)**

**(Original Enactment: Act 17 of 2000)**

**REVISED EDITION 2001**

(31st December 2001)

An Act to give effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction concluded at Paris on 13th January 1993.

[1st June 2000]

# PART I

## PRELIMINARY

### Short title

1. This Act may be cited as the Chemical Weapons (Prohibition) Act.

### Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“authorised officer” means —

- (a) the Director-General;

[49/2007 wef 14/12/2007]

- (aa) any officer of customs;

[49/2007 wef 14/12/2007]

- (b) any police officer; or

- (c) any person appointed as an authorised officer under section 6(3);

“Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction concluded at Paris on 13th January 1993, and includes the Annexes to the Convention and any amendments to, or substitutions of, the Convention or the Annexes that are binding on Singapore;

“chemical weapon” means the following, together or separately:

- (a) a toxic chemical and its precursors, except where intended for a permitted purpose, as long as the type and quantity are consistent with such a purpose;

- (b) a munition or device, specifically designed to cause death or other harm through the toxic properties of a toxic chemical referred to in paragraph (a), which would be released as a result of the employment of such munition or device;

- (c) any equipment specifically designed for use directly in connection with the employment of a munition or device referred to in paragraph (b);

“Chemicals Annex” means the Annex on Chemicals to the Convention;

“conveyance” includes any vessel, train, vehicle, aircraft or other mode of transport;

“Director-General” means the Director-General of Customs appointed under section 4(1) of the Customs Act (Cap. 70);

[49/2007 wef 14/12/2007]

“export”, with its grammatical variations and cognate expressions, means to take or cause to be taken out of Singapore by land, water or air and includes the placing of any thing in a conveyance for the purposes of being taken out of Singapore but does not include the taking out of Singapore of that thing on the same conveyance on which it was brought into Singapore unless that thing after being brought into Singapore has been

landed in Singapore;

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore but does not include the bringing into Singapore of any thing which is to be taken out of Singapore on the same conveyance on which it was brought into Singapore without any landing in Singapore;

“international inspector” means an individual designated by the Technical Secretariat according to the procedures set forth in the Verification Annex to the Convention to carry out an inspection or visit in accordance with the Convention, and includes any inspection assistant as defined in the Convention;

“licence” means a licence granted under section 9;

“national inspector” means any person who is a national inspector by virtue of, or appointed under, section 16;

“officer of customs” means —

(a) any Deputy Director-General of Customs or Assistant Director-General of Customs appointed under section 4(2) of the Customs Act (Cap. 70);

(b) any senior officer of customs appointed under section 4(4) of the Customs Act;  
or

(c) any officer of customs appointed under section 5(2) of the Customs Act;

*[49/2007 wef 14/12/2007]*

“permitted purpose” means —

(a) in the case of a Schedule 1 chemical, research, medical, pharmaceutical or protective purpose;

(b) in the case of any other toxic chemical —

(i) industrial, agricultural, research, medical, pharmaceutical or any other peaceful purpose;

(ii) any purpose directly related to protection against toxic chemicals and to protection against chemical weapons;

(iii) any military purpose not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(iv) any law enforcement purpose (including domestic riot control);

“premises” includes any land, building, structure and conveyance;

“produce”, in relation to a scheduled chemical, means forming the chemical through a chemical, biochemical or biologically mediated reaction; and includes forming the chemical by any such reaction as an intermediate, a by-product or a waste product during the manufacture of any product, where such intermediate, by-product or waste

product —

- (a) is formed and consumed within a defined manufacturing sequence; and
- (b) is chemically stable and exists for a sufficient time to make its isolation from the manufacturing stream possible; but where isolation does not occur under normal or specially designed operating conditions;

[49/2007 wef 14/12/2007]

“Schedule 1 chemical” means a chemical listed in Schedule 1 of the Schedules of Chemicals in the Chemicals Annex, and is set out in Part I of the Schedule to this Act;

“Schedule 2 chemical” means a chemical listed in Schedule 2 of the Schedules of Chemicals in the Chemicals Annex, and is set out in Part II of the Schedule to this Act;

“Schedule 3 chemical” means a chemical listed in Schedule 3 of the Schedules of Chemicals in the Chemicals Annex, and is set out in Part III of the Schedule to this Act;

“scheduled chemical” means a Schedule 1, 2 or 3 chemical;

“transfer” includes import and export;

“Verification Annex” means the Annex on Implementation and Verification to the Convention.

(2) Any word or expression used and not defined in this Act but defined in the Convention shall, unless the context otherwise requires, have the same meaning as in the Convention.

### **Act binds the Government**

3. This Act binds the Government.

### **Purpose of Act**

4.—(1) The purpose of this Act is to implement Singapore’s obligations under the Convention.

(2) Every person exercising a power or discretion conferred under this Act shall have regard to Singapore’s obligations under the Convention.

### **Extra-territorial application**

5.—(1) Sections 8 and 26 extend to acts done or omitted to be done outside Singapore by —

(a) any citizen of Singapore; or

(b) any other person on board any ship or aircraft registered in Singapore.

(2) Where an offence under section 8 or 26 is committed outside Singapore by a citizen of Singapore, he may be dealt with in respect of that offence as if it had been committed within Singapore.

[26/2001]

(3) Notwithstanding anything in any other written law, proceedings in respect of any offence under section 8 or 26 committed anywhere outside Singapore shall not, by virtue only of the provisions of this Act, be instituted in any court except with the consent of the Public Prosecutor.

(4) Notwithstanding subsection (3), a person may be arrested, or a warrant for a person's arrest may be issued and executed, and the person may be remanded in custody or on bail, but no further or other proceedings shall be taken until the consent of the Public Prosecutor has been obtained.

## PART II

### ADMINISTRATION

#### **Administration of Act**

6.—(1) The Director-General shall be responsible for the administration of this Act, subject to the general or special directions of the Minister.

(2) The Director-General may, with the approval of the Minister, in writing appoint any person as an authorised officer for the purposes of this Act.

(3) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act to any authorised officer, except the power of delegation under this subsection.

*[49/2007 wef 14/12/2007]*

7. *[Deleted by Act 49/2007 wef 14/12/2007]*

## PART III

### OFFENCES

#### **Use, etc., of chemical weapons**

8.—(1) Any person who —

- (a) uses a chemical weapon;
- (b) develops or produces a chemical weapon;
- (c) acquires, stockpiles or retains a chemical weapon;
- (d) transfers, directly or indirectly, a chemical weapon to another person;
- (e) engages in military preparations to use a chemical weapon;
- (f) knowingly assists, encourages or induces, in any way, another person to engage in any activity prohibited to a State Party under the Convention; or
- (g) uses a riot control agent as a method of warfare,

shall be guilty of an offence and shall on conviction be punished with —

- (i) imprisonment for a term which may extend to life imprisonment; and
- (ii) a fine not exceeding \$1 million.

(2) Nothing in subsection (1) shall apply in respect of any act done by an authorised officer, a national inspector or an international inspector under the authority of this Act or any other written law.

(3) In proceedings for an offence under subsection (1)(a), (c), (d), (e) or (g) relating to an object, it is a defence for the accused to prove that —

- (a) he neither knew nor suspected nor had reason to suspect that the object was a chemical weapon or riot control agent, as the case may be; or
- (b) as soon as reasonably practicable after he first knew or suspected it to be a chemical weapon or riot control agent, as the case may be, he took all reasonable steps to inform an authorised officer of his knowledge or suspicion.

(4) Nothing in subsection (3) shall prejudice any defence which is open to a person charged with an offence under this section to raise apart from that subsection.

### **Licence for use, etc., of scheduled chemical or discrete organic chemical**

9.—(1) No person shall use, develop, produce, acquire, stockpile, retain or transfer a Schedule 1 chemical for a permitted purpose except under and in accordance with the conditions of a licence granted by the Director-General.

*[49/2007 wef 14/12/2007]*

(2) No person shall —

- (a) produce, process or consume a Schedule 2 chemical for a permitted purpose; or
- (b) produce a Schedule 3 chemical for a permitted purpose,

except under and in accordance with the conditions of a licence granted by the Director-General.

*[49/2007 wef 14/12/2007]*

(3) No person shall produce —

- (a) more than 200 tonnes in total of any one or more unscheduled discrete organic chemicals per year; or
- (b) more than 30 tonnes of any one unscheduled discrete organic chemical containing phosphorous, sulfur or fluorine per year,

except under and in accordance with the conditions of a licence granted by the Director-General.

*[49/2007 wef 14/12/2007]*

(4) No person shall import or export a Schedule 2 chemical or Schedule 3 chemical except under and in accordance with the conditions of a licence granted by the Director-General.

*[49/2007 wef 14/12/2007]*

(4A) Subsection (1) shall not apply to the use, development, production, acquisition,

stockpiling, retention or transfer for a permitted purpose of a mixture containing not more than the prescribed concentration of a prescribed Schedule 1 chemical.

*[49/2007 wef 14/12/2007]*

(4B) Subsection (2) shall not apply to —

- (a) the production, processing or consumption for a permitted purpose of a mixture containing not more than the prescribed concentration of a prescribed Schedule 2 chemical; and
- (b) the production for a permitted purpose of a mixture containing not more than the prescribed concentration of a prescribed Schedule 3 chemical.

*[49/2007 wef 14/12/2007]*

(4C) In determining the amount of unscheduled discrete organic chemicals or unscheduled discrete organic chemical containing phosphorous, sulfur or fluorine produced by a person in a year for the purposes of subsection (3), the production of a mixture containing not more than the prescribed concentration of a —

- (a) prescribed unscheduled discrete organic chemical; or
- (b) prescribed unscheduled discrete organic chemical containing phosphorous, sulfur or fluorine,

shall be disregarded.

*[49/2007 wef 14/12/2007]*

(4D) Subsection (4) shall not apply to —

- (a) the import of a mixture containing not more than the prescribed concentration of a prescribed Schedule 2 chemical or Schedule 3 chemical; or
- (b) the export to a country that is a party to the Convention of a mixture containing not more than the prescribed concentration of a prescribed Schedule 2 chemical or Schedule 3 chemical.

*[49/2007 wef 14/12/2007]*

(4E) The Minister may by regulations prescribe the concentration of a chemical in a mixture for the purposes of subsection (4A), (4B), (4C) or (4D).

*[49/2007 wef 14/12/2007]*

(4F) The regulations under subsection (4E) may —

- (a) prescribe a concentration for all Schedule 1 chemicals, Schedule 2 chemicals, Schedule 3 chemicals, unscheduled discrete organic chemicals or unscheduled discrete organic chemicals containing phosphorous, sulfur or fluorine, as the case may be, or for a specified chemical or description of chemicals;
- (b) prescribe different concentrations for different chemicals; and
- (c) prescribe the method for working out the concentration of a chemical in a mixture.

*[49/2007 wef 14/12/2007]*

(5) An application for a licence to do any of the acts referred to in subsections (1) to (4) shall be made to the Director-General in such manner or form as the Director may determine and



shall be accompanied by the prescribed fee.

[49/2007 wef 14/12/2007]

(6) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(7) Any person who contravenes subsection (2), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(8) The Minister may make regulations —

- (a) to prescribe the manner of application for a licence;
- (b) to prescribe the form and duration of a licence;
- (c) to prescribe the terms and conditions upon which and the circumstances in which a licence may be held or granted, suspended, cancelled, extended, renewed or replaced by the Director-General;
- (d) to provide for appeals to the Minister by a person against a refusal of the Director-General to grant, extend or renew a licence, or a decision of the Director-General to cancel or suspend a licence; and
- (e) to prescribe fees payable for an application for a licence and an application for the extension or renewal of a licence.

[49/2007 wef 14/12/2007]

(9) In subsection (3), “unscheduled discrete organic chemical” means a discrete organic chemical not listed in the Schedule.

## **Forfeiture**

**10.—**(1) A court may order that anything shown to the court’s satisfaction to be the subject matter of an offence under this Part or to have been used in the commission of such an offence shall be forfeited to the Government, 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 Director-General may see fit; and in such a case the Director-General may direct that it be destroyed or otherwise dealt with.

[49/2007 wef 14/12/2007]

(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 shall not order it to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.

(4) The court may make an order under this section notwithstanding that no person has been

charged with or convicted of an offence under this Part in relation to the thing to be forfeited.

## PART IV

### INFORMATION AND DOCUMENTS

#### **Purpose of this Part**

11.—(1) The purpose of this Part is to ensure that —

- (a) toxic chemicals and their precursors are only used, developed, produced, acquired, stockpiled, retained, or transferred for permitted purposes;
- (b) the Director-General has knowledge of dealings with chemicals that facilitates the making of Singapore's periodic declarations under the Convention; and
- (c) Singapore is otherwise able to fulfil its obligations under the Convention.

*[49/2007 wef 14/12/2007]*

(2) Any power under this Part may be exercised only for that purpose.

#### **Information and records for purposes of Convention**

12.—(1) Any person who uses, develops, produces, acquires, stockpiles, retains or transfers toxic chemicals or their precursors to which any provision of Parts VI to IX of the Verification Annex applies shall —

- (a) give to the Director-General, in such form and at such intervals as are prescribed, such written particulars as are prescribed, in relation to —
  - (i) the chemicals and, as the case may be, the facility;
  - (ii) the purposes to which the chemicals are put; and
  - (iii) such other matters relevant to a declaration required to be given by Singapore to the Organisation under the Convention as are prescribed;
- (b) keep such records in relation to the chemicals and facility referred to in paragraph (a), as are required by regulations made under this Act; and
- (c) prepare and give to the Director-General from such records, such periodic reports and such special reports relating to the chemicals and facility referred to in paragraph (a) as are required by regulations made under this Act.

*[49/2007 wef 14/12/2007]*

(2) Any person who refuses or fails, without reasonable cause, to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The regulations relating to the keeping of records referred to in subsection (1)(b) may include, but are not limited to, regulations relating to —

- (a) the form and content of such records; and

(b) the period for which such records are to be kept.

(4) The regulations relating to the preparation and giving of periodic or special reports referred to in subsection (1)(c) may include, but are not limited to, regulations relating to —

(a) the form and content of periodic reports;

(b) the circumstances in which special reports are required and the form and content of such special reports;

(c) the time within which such periodic reports and special reports are to be made; and

(d) the persons who are to sign such periodic reports and special reports.

### **Director-General may seek information for declarations and consultation purposes**

**13.—**(1) This section shall apply if the Director-General considers that any person is capable of giving information that is relevant to a declaration required to be given by Singapore to the Organisation under the Convention.

*[49/2007 wef 14/12/2007]*

(2) The Director-General may, by written notice given to the person, require the person to give such information to the Director-General —

(a) if the person is a natural person, by writing signed by the person; or

(b) if the person is a body corporate, by writing signed by an officer authorised to sign on behalf of the body corporate,

within such reasonable period and in such manner as is specified in the notice.

*[49/2007 wef 14/12/2007]*

(3) The Director-General may, by written notice given to a person, require the person to give to the Director-General particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

*[49/2007 wef 14/12/2007]*

(4) Any person who, intentionally or recklessly refuses or fails, without reasonable cause, to comply with a notice under this section to the extent that the person is capable of complying with it shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) The power of the Director-General under this section to require a person to give information or documents to the Director-General is in addition to any obligation to give information or documents that the person may have under section 12.

*[49/2007 wef 14/12/2007]*

### **False or misleading statements and documents**

**14.** Any person who, in any document prepared pursuant to this Part, makes a statement or omits any matter knowing that, or being reckless as to whether, the statement or omission makes the document false or misleading in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

PART V  
INSPECTIONS

**Purpose and interpretation of this Part**

- 15.—(1) The purpose of this Part is to facilitate inspections —
- (a) by national inspectors for a compliance purpose; and
  - (b) by international inspectors in accordance with the Convention and any facility agreement.
- (2) A reference in this section and in sections 16 and 21 to a compliance purpose is a reference to the purpose of —
- (a) determining whether the provisions of this Act have been or are being complied with at any premises;
  - (b) determining whether the conditions applicable to a licence have been or are being complied with by the holder of a licence; or
  - (c) ensuring the proper functioning at any premises of any monitoring equipment installed in the course of an international compliance inspection or under a facility agreement.
- (3) A reference in sections 16, 18 and 21 to an inspection power is a reference to a power to —
- (a) search any premises;
  - (b) inspect or examine a matter or thing;
  - (c) take samples of a matter or thing;
  - (d) measure a matter or thing;
  - (e) examine a document (including a record kept in accordance with the requirements of this Act or the conditions of a licence);
  - (f) take extracts from, or make copies of, a document (including a record of a kind referred to in paragraph (e));
  - (g) interview any person working on the premises (including making sound recordings of such interviews);
  - (h) operate any equipment, including electronic equipment, located at the premises if the person exercising the power believes, on reasonable grounds, that the equipment can be operated without damaging it;
  - (i) operate any photographic or video-recording equipment anywhere in or around the premises;
  - (j) do anything that is necessary or expedient for the carrying out of any of the acts referred to in paragraphs (a) to (i), including restricting or prohibiting the access of

persons and vehicles to or from the premises.

(4) A power referred to in subsection (3)(a), (b), (c), (d), (h) or (i) may only be exercised in a manner that the person authorised to exercise it believes, on reasonable grounds, to be in accordance with safety procedures applicable at the premises.

### **National inspectors**

**16.—**(1) All authorised officers shall be national inspectors for the purposes of this Act.

(2) The Director-General may, from time to time, appoint in writing other persons to be national inspectors.

*[49/2007 wef 14/12/2007]*

(3) A national inspector may —

- (a) with the consent of the person in control of any premises; or
- (b) under a warrant issued under section 21 in respect of any premises,

enter the premises and exercise, on or in the premises, any inspection power for a compliance purpose.

### **International inspection**

**17.** An international inspector may, with the consent of the person in control of any premises —

- (a) in respect of which any provision of Parts VI to IX of the Verification Annex to the Convention applies;
- (b) that is subject to an on-site challenge inspection referred to in paragraph 8 of Article IX of the Convention; or
- (c) in respect of which an investigation under paragraph 9 of Article X of the Convention has been initiated,

or under a warrant issued under section 22 in respect of the premises —

- (i) enter the premises;
- (ii) inspect the premises pursuant to the Convention and, in the case of any facility, any applicable facility agreement; and
- (iii) exercise, in connection with the inspection, any function contemplated, and power provided for, in the Convention and, in the case of any facility, any applicable facility agreement.

### **Persons who may accompany international inspectors**

**18.—**(1) In order to facilitate an inspection, an international inspector may be accompanied by one or more of the following persons:

- (a) an observer;

(b) a national inspector.

(2) A national inspector may exercise any inspection power for the purposes of facilitating an inspection referred to in section 17.

(3) In subsection (1)(a), “observer” means an observer referred to in paragraph 12 of Article IX of the Convention, and includes any person authorised by the Director-General to observe the inspection.

[49/2007 wef 14/12/2007]

### **Written directions**

**19.**—(1) The Director-General may, by notice in writing, issue directions to any person for the purpose of facilitating any inspection under this Part.

[49/2007 wef 14/12/2007]

(2) Any person who wilfully fails to comply with any direction given by the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

[49/2007 wef 14/12/2007]

### **Identification certificates**

**20.** The Director-General shall issue to every international inspector and national inspector a certificate identifying him as such international inspector or national inspector, as the case may be.

[49/2007 wef 14/12/2007]

### **Warrant for national inspection**

**21.**—(1) A national inspector may apply for a warrant where the consent of the person in control of any premises to enter the premises to exercise any inspection powers for a compliance purpose cannot be obtained or where the person refuses to give such consent.

(2) Subject to subsection (3), a Magistrate who is satisfied that there are reasonable grounds for believing that —

- (a) entry to the premises is necessary to exercise any inspection power for a compliance purpose; and
- (b) the consent of the person who is in control of the premises cannot be obtained or such consent is refused,

may, unconditionally or subject to conditions, issue a warrant authorising the entry of the premises, at any time within 14 days of the issue of such warrant (or within such further time as may be specified in the warrant), by the national inspector for the purpose of exercising any inspection power for a compliance purpose.

(3) The national inspector applying for a warrant shall —

- (a) first make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and (if so) the following matters:

- (i) the offence or offences (if any) alleged in respect of each application; and
  - (ii) the results of each application; and
- (b) disclose on the application for the warrant the results of the inquiries.

### **Warrant for international inspection**

**22.**—(1) The Director-General may apply for a warrant on behalf of an international inspector or national inspector where the consent of the person who is in control of any premises to enter the premises for the purposes referred to in section 17(ii) and (iii) cannot be obtained or where the person refuses to give such consent.

*[49/2007 wef 14/12/2007]*

(2) Subject to subsection (3), a Magistrate who is satisfied that there are reasonable grounds for believing that —

- (a) the premises meets the conditions for entry described in section 17;
- (b) entry to the premises is necessary for the purposes referred to in section 17(ii) and (iii); and
- (c) the consent of the person who is in control of the premises cannot be obtained or such consent is refused,

may issue, unconditionally or subject to conditions, a warrant authorising the entry of the premises, at any time within 14 days of the issue of the warrant (or within such further time as may be specified in the warrant) by the international inspector or national inspector for the purposes referred to in paragraph (b).

(3) The Director-General shall —

- (a) before applying for a warrant, make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and (if so) the following matters:
  - (i) the offence or offences (if any) alleged in respect of each application; and
  - (ii) the results of each application; and
- (b) disclose on the application for the warrant the results of the inquiries.

*[49/2007 wef 14/12/2007]*

### **Use of force**

**23.** If force is required to enter and inspect any premises specified in a warrant issued under section 21 or 22 (whether by breaking down a door or otherwise), or in breaking open anything in the premises, the person executing the warrant may use such force as is reasonable in the circumstances.

### **Obligations of persons carrying out inspections**

**24.**—(1) Every national inspector shall —

- (a) carry his identification certificate; and
  - (b) produce it to any person appearing to be in control of the premises entered —
    - (i) on entering the premises (if such a person is then present); and
    - (ii) at any reasonable time thereafter, if asked to do so by the person.
- (2) Every national inspector shall —
- (a) if, at any time between the time of entry of any premises to be inspected and the time the inspection is completed, there is no person appearing to be in control of the premises, as soon as is practicable after completing the inspection give the occupier or person in control of the premises a written notice stating that the premises has been entered, and specifying the following matters:
    - (i) the time and date of entry;
    - (ii) the circumstances and purpose of entry; and
    - (iii) the name of every person entering;
  - (b) where applicable, have a warrant with him and produce it if required to do so; and
  - (c) where any thing is seized, give the occupier or person in control of the premises a written inventory of all things so seized.

### **Obstruction, etc., of national or international inspector**

**25.—**(1) Any person who wilfully obstructs, hinders, resists, or deceives any national inspector or international inspector who is exercising any function contemplated, or any power provided for, in this Part or the Convention or any applicable facility agreement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Nothing in this section shall apply to a refusal to give consent to entry by a national inspector who is not acting pursuant to a warrant referred to in section 21 or 22.

(3) Nothing in this section shall apply to a refusal to give consent to entry by an international inspector who is not acting pursuant to a warrant referred to in section 22.

## PART VI

### MISCELLANEOUS PROVISIONS

#### **Confidentiality**

**26.—**(1) Every person shall keep confidential any information that is given pursuant to this Act or the Convention concerning the affairs of another person.

(2) Such information may be disclosed only with the consent of the person to whose affairs it relates or for the purpose of —

- (a) enabling Singapore to fulfil its obligations under the Convention;



(b) the enforcement of this Act; or

(c) dealing with an emergency involving public safety or ensuring the security of Singapore.

*[Act 2 of 2012 wef 01/03/2012]*

(3) Any person who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Warrant for search and seizure**

**27.**—(1) If a Magistrate 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, the Magistrate may issue a warrant in writing to an authorised officer 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) An authorised officer who enters the premises under the authority of the warrant may —

(a) take with him such other person 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, such document;

(d) inspect, seize and remove any device or equipment found on the premises which he had 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.

(3) No woman or girl shall be searched except by a woman.

(4) Any person who wilfully obstructs, hinders, resists or deceives any authorised officer in entering the premises concerned or in exercising any of the powers referred to in [subsection \(2\)](#) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Offences by body corporate**

**28.** Where an offence under this Act is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body

corporate, or 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.

### **Jurisdiction of courts**

**29.** A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all prosecutions for offences under this Act; and a District Court shall, notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), have jurisdiction to impose the full penalty or punishment under this Act.

### **Composition of offences**

**30.—**(1) The Director-General may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- (a) \$1,000 in respect of any offence where the maximum fine prescribed for that offence is less than \$5,000; and
- (b) \$5,000 in respect of any other offence.

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(2) The Minister may make regulations to prescribe the offences which may be compounded.

### **Public servants**

**31.** All authorised officers shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

### **Power to amend Schedule**

**32.** The Minister may, by order published in the *Gazette*, amend or add to the Schedule in conformity with any amendment to the Chemicals Annex which may be duly made or adopted.

### **Regulations**

**33.—**(1) The Minister may make regulations for any matter that is necessary or desirable for the purposes of implementing this Act or the Convention, or any agreement that is concluded between Singapore and the Organisation pursuant to the Convention.

(2) Without prejudice to the generality of subsection (1), regulations may be made —

- (a) to impose on any importer, exporter, agent, forwarding agent, common carrier, consignor or consignee of goods or on any owner, agent, master or person in charge of a conveyance as may be prescribed in the regulations, the duty to furnish —
  - (i) to the Director-General; or
  - (ii) to the owner, agent, master or person in charge of a conveyance, or to a railway station-master or to such other person as may be prescribed,

such particulars, information or documents as may be prescribed in respect of any scheduled chemical that is imported or exported;

- (b) to require the master of any vessel to attend at the office of the Director-General or Port Master, and to furnish such particulars, information and documents, as may be prescribed;
- (c) to prohibit the issue of a port clearance to the master of any vessel pending compliance with any provision of the regulations;
- (d) for the registration of any scheduled chemical that is imported or exported;
- (e) to prescribe offences in respect of the contravention of or non-compliance with any regulations made under this section, and prescribing fines, not exceeding \$10,000, that may, on conviction, be imposed in respect of any such offence; and
- (f) to prescribe anything which is required or permitted to be prescribed under this Act or is necessary or expedient to be prescribed for carrying out or giving effect to the provisions of this Act.

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## THE SCHEDULE

Sections 2(1) and 9

1. The following Parts list toxic chemicals and their precursors set out in the Chemicals Annex.

2. Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Part as long as they are not explicitly exempted. A chemical marked “\*” in Part II is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.

### PART I

(CAS registry  
number)

#### A. Toxic chemicals:

- (1) O-Alkyl ( $\leq C_{10}$ , incl. Cycloalkyl) alkyl  
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates  
  
e.g. Sarin: O-Isopropyl methylphosphonofluoridate (107-44-8)  
Soman: O-Pinacolyl methylphosphonofluoridate (96-64-0)
- (2) O-Alkyl ( $\leq C_{10}$ , incl. Cycloalkyl) N, N-dialkyl  
(Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates  
  
e.g. Tabun: O-Ethyl N, N-dimethyl phosphoramidocyanidate (77-81-6)
- (3) O-Alkyl ( $\leq H$  or  $C_{10}$ , incl. Cycloalkyl) S-2-dialkyl  
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl  
(Me, Et, n-Pr or i-Pr) phosphonothiolates and  
corresponding alkylated or protonated salts

e.g. VX: O-Ethyl phosphonothiolate	S-2-diisopropylaminoethyl	methyl	(50782-69-9)
(4) Sulfur mustards:			
2-Chloroethylchloromethylsulfide			(2625-76-5)
Mustard gas: Bis(2-chloroethyl)sulfide			(505-60-2)
Bis(2-chloroethylthio)methane			(63869-13-6)
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane			(3563-36-8)
1,3-Bis(2-chloroethylthio)-n-propane			(63905-10-2)
1,4-Bis(2-chloroethylthio)-n-butane			(142868-93-7)
1,5-Bis(2-chloroethylthio)-n-pentane			(142868-94-8)
Bis(2-chloroethylthiomethyl)ether			(63918-90-1)
O-Mustard: Bis(2-chloroethylthioethyl)ether			(63918-89-8)
(5) Lewisites:			
Lewisite 1: 2-Chlorovinylchloroarsine			(541-25-3)
Lewisite 2: Bis(2-chlorovinyl)chloroarsine			(40334-69-8)
Lewisite 3: Tris(2-chlorovinyl)arsine			(40334-70-1)
(6) Nitrogen mustards:			
HN1: Bis(2-chloroethyl)ethylamine			(538-07-8)
HN2: Bis(2-chloroethyl)methylamine			(51-75-2)
HN3: Tris(2-chloroethyl)amine			(555-77-1)
(7) Saxitoxin			(35523-89-8)
(8) Ricin			(9009-86-3)

#### B. Precursors:

(9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides			
e.g. DF: Methylphosphonyldifluoride			(676-99-3)
(10) O-Alkyl ( $\leq$ H or C <sub>10</sub> , incl. Cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts			
e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite			(57856-11-8)
(11) Chlorosarin: O-Isopropyl methylphosphonochloridate			(1445-76-7)
(12) Chlorosoman: O-Pinacolyl methylphosphonochloridate			(7040-57-5)

## PART II

### A. Toxic chemicals:

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts (78-53-5)
- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (\*) (6581-06-2)

### B. Precursors:

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms
- e.g. Methylphosphonyl dichloride (676-97-1)  
Dimethyl methylphosphonate (756-79-6)
- Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidin-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
- Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts (108-01-0)
- N,N-Diethylaminoethanol and corresponding protonated salts (100-37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

## PART III

### A. Toxic chemicals:

(1) Phosgene: Carbonyl dichloride	(75-44-5)
(2) Cyanogen chloride	(506-77-4)
(3) Hydrogen cyanide	(74-90-8)
(4) Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors:

(5) Phosphorus oxychloride	(10025-87-3)
(6) Phosphorus trichloride	(7719-12-2)
(7) Phosphorus pentachloride	(10026-13-8)
(8) Trimethyl phosphite	(121-45-9)
(9) Triethyl phosphite	(122-52-1)
(10)Dimethyl phosphite	(868-85-9)
(11)Diethyl phosphite	(762-04-9)
(12)Sulfur monochloride	(10025-67-9)
(13)Sulfur dichloride	(10545-99-0)
(14)Thionyl chloride	(7719-09-7)
(15)Ethyl-diethanolamine	(139-87-7)
(16)Methyl-diethanolamine	(105-59-9)
(17)Triethanolamine	(102-71-6)

## LEGISLATIVE HISTORY

### CHEMICAL WEAPONS (PROHIBITION) ACT

This Legislative History is provided for the convenience of users of the Chemical Weapons (Prohibition) Act. It is not part of the Act.

**1. Act 17 of 2000—Chemical Weapons (Prohibition) Act 2000**

Date of First Reading	:	21 February 2000
		( <u>Bill No. 9/2000</u> published on 22 February 2000)
Date of Second and Third Readings	:	25 April 2000
Date of commencement	:	1 June 2000

**2. Act 26 of 2001—Statutes (Miscellaneous Amendments and Repeal) Act 2001**

Date of First Reading	:	11 July 2001
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([Bill No. 24/2001](#) published on 12 July 2001)

Date of Second and Third Readings : 25 July 2001  
Date of commencement : 1 September 2001  
(except sections 3 and 17)

3. [2001 Revised Edition—Chemical Weapons \(Prohibition\) Act](#)

Date of operation : 31 December 2001

4. [Act 49 of 2007—Chemical Weapons \(Prohibition\) \(Amendment\) Act 2007](#)

Date of First Reading : 17 September 2007  
([Bill No. 39/2007](#) published on 18 September 2007)  
Date of Second and Third Readings : 22 October 2007  
Date of commencement : 14 December 2007

5. [Act 2 of 2012—Statutes \(Miscellaneous Amendments\) Act 2012](#)

Date of First Reading : 21 November 2011  
([Bill No. 22/2011](#) published on 21 November 2011)  
Date of Second and Third Readings : 18 January 2012  
Date of commencement : 1 March 2012  
(except sections 26 and 29)

## COMPARATIVE TABLE

### CHEMICAL WEAPONS (PROHIBITION) ACT

The following provisions in the Chemical Weapons (Prohibition) Act 2000 (Act 17 of 2000) have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Chemical Weapons (Prohibition) Act.

**2001 Ed.**

5—(1)  
(2)  
(3)  
(4)

**Act 17 of 2000**

5—(1)  
(1A)  
(2)  
(3)

