

CHEMICAL WEAPONS (PROHIBITION) ACT 2000
(SECTIONS 9(14), 12, 30 AND 33)

CHEMICAL WEAPONS (PROHIBITION)
REGULATIONS 2007

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[14 December 2007]

PART 1

PRELIMINARY

Citation

1. These Regulations are the Chemical Weapons (Prohibition) Regulations 2007.

PART 2

LICENCES

Application for licence and renewal of licence

2.—(1) An application for a licence or the renewal of a licence must be made to the Director-General in the form and manner that the Director-General determines and must 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), must 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), must 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 interview the applicant, visit any facility to which the application relates or make any other inquiry.

(5) The Director-General may 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 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 is valid for the period that the Director-General determines unless cancelled or suspended in accordance with these Regulations.

(2) The holder of a licence to import or export a Schedule 2 chemical must 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 2 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 2 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,

and, where the licence is for the export of the chemical, the holder submits to the Director-General before the export an end-user certificate by the end-user in the country or territory of destination.

(3) The holder of a licence to export a Schedule 3 chemical must not export the chemical to a country or territory that is not a party to the Convention unless the holder 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.

(5) The end-user certificates mentioned in paragraphs (2) and (3) must be in a form specified by the Director-General and must 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) any other information that the Director-General requires.
- (6) The end-user certificates mentioned in paragraphs (2) and (3) must 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 mentioned in paragraph (5)(a), (b) and (c) and sub-paragraph (a).

Cancellation and suspension of licence

4.—(1) The Director-General may cancel or suspend a licence for the period that 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 the holder 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 the licence cancelled.

(2) A person whose licence is cancelled or suspended must surrender the licence to the Director-General within the time that the Director-General specifies.

(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 any reason that the Director-General 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 the holder is licensed in relation to any chemical that is additional to that for which the holder is licensed;
- (b) carry out any activity that is additional to the activity for which the holder is licensed, in relation to any chemical for which the holder is licensed or any chemical that is additional thereto;
- (c) vary the quantity of any chemical for which the holder is licensed; or
- (d) amend any other particular or information specified in the licence,

may apply to the Director-General for an amendment of the licence.

(2) The application must be made in the form and manner that the Director-General determines and must be accompanied by such information, statement or document as the Director-General may require.

(3) An application for a purpose mentioned in paragraph (1)(a), (b) or (c) must be made no later than 14 working days prior to the date of commencement of the activity in question.

(4) The Director-General may, upon approval of an application, make any variation to the terms and conditions of the licence that the Director-General considers appropriate.

(5) Upon approval of an application, the Director-General must forward a duly amended licence to the holder, and the holder must surrender the original licence to the Director-General within 14 working days of the receipt of the firstmentioned licence.

(6) A holder of a licence who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(7) In this regulation, “working day” means any day from Monday to Friday that is not a public holiday.

Replacement licence

6. If the Director-General is satisfied that any licence granted by him or her has been lost, destroyed or defaced, the Director-General may grant a replacement licence.

No licence required for mixtures containing low concentrations of certain chemicals

7. Section 9(2) and (4) of the Act does not apply to —

- (a) the production, processing or consumption for a permitted purpose, the import or the export to a country or territory that is a party to the Convention, of a mixture containing 30% or less by weight of a chemical specified in item B of Part 2 of the Schedule to the Act; and
- (b) the production for a permitted purpose, the import or the export to a country or territory that is a party to the Convention, of a mixture containing 30% or less by weight of a Schedule 3 chemical.

Appeals

8. A person who is aggrieved by a decision of the Director-General not to grant a licence to the person or renew the licence, or to cancel or suspend the licence, may appeal to the Minister within 30 days of the decision.

PART 3

REPORTS FOR DIRECTOR-GENERAL

Documents

9. The documents referred to in this Part are those set out at the Singapore Customs' website at www.customs.gov.sg, and any reference in this Part to a named or numbered document is to be construed as a reference to the current version of the document bearing the corresponding name or number which is displayed at that website.

Reports as to anticipated production, etc., of scheduled chemicals

10.—(1) A person who intends to produce a Schedule 1 chemical in the following year must give to the Director-General, before 15 August of the current year, a report comprising the Declaration Cover Certification Form and document number C.1, stating —

- (a) the anticipated quantity and type of chemical to be produced;
- (b) the purpose for which the chemical is to be used;
- (c) the place where the chemical is proposed to be produced and the owner of that place; and
- (d) any other information that the Director-General requires.

(2) A person who intends to produce, consume or process a Schedule 2 chemical in the following year must give to the Director-General, before 15 September of the current year, a report comprising the Declaration Cover Certification Form and document number C.2, stating —

- (a) the anticipated quantity and type of chemical to be produced, consumed or processed;
- (b) the purpose for which the chemical is to be used;
- (c) the place where the chemical is proposed to be produced, consumed or processed and the owner of that place; and
- (d) any other information that the Director-General requires.

(3) A person who intends to produce a Schedule 3 chemical in the following year must give to the Director-General, before 15 September of the current year, a report comprising the Declaration Cover Certification Form and document number C.3, stating —

- (a) the anticipated quantity and type of chemical to be produced;
- (b) the purpose for which the chemical is to be used;
- (c) the place where the chemical is proposed to be produced and the owner of that place; and
- (d) any other information that the Director-General requires.

(4) A person mentioned in paragraph (1), (2) or (3) who is unable to give any of the information mentioned in that paragraph by the date mentioned in that paragraph must give the information to the Director-General —

- (a) in the case of information mentioned in paragraph (1), at least 200 days; or
- (b) in the case of information mentioned in paragraph (2) or (3), at least 20 days,

before the date of commencement of the production, consumption or processing (as the case may be) of the scheduled chemical in question.

(5) A person mentioned in paragraph (1), (2) or (3) must report any change to any information given to the Director-General under that paragraph —

- (a) in the case of information mentioned in paragraph (1), at least 200 days; or
- (b) in the case of information mentioned in paragraph (2) or (3), at least 20 days,

before putting into effect the change.

(6) The Director-General may, in any case, substitute the period mentioned in paragraph (4) or (5) with a shorter period if the

Director-General considers it appropriate to do so in the circumstances of the case.

(7) Any person who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Reports as to use, etc., of scheduled chemicals

11.—(1) A person who in any year (called in this regulation the relevant year) uses, develops, produces, acquires, stockpiles, retains or transfers any toxic chemical or its precursor to which any provision of Parts VI to IX of the Verification Annex applies must give to the Director-General, before 31 January of the following year, a report comprising —

- (a) in the case of a Schedule 1 chemical, the Declaration Cover Certification Form and document number D.1;
- (b) in the case of a Schedule 2 chemical, the Declaration Cover Certification Form and document number D.2;
- (c) in the case of a Schedule 3 chemical, the Declaration Cover Certification Form and document number D.3; and
- (d) in the case of a discrete organic chemical not listed in the Schedule to the Act, the Declaration Cover Certification Form and document number D.4,

stating —

- (e) the type and total quantity of the toxic chemical or precursor used, developed, produced, acquired, stockpiled, retained or transferred in the relevant year;
- (f) the purpose for which the toxic chemical or precursor is to be used; and
- (g) any other information that the Director-General requires.

(2) A person who wishes to transfer a Schedule 1 chemical must give to the Director-General a report comprising document numbers T-1A and T-1B —

- (a) in the case of a transfer of an amount of Saxitoxin not exceeding 5 mg for a medical or diagnostic purpose, at least 5 days before the intended date of transfer; or
 - (b) in any other case, at least 45 days before the intended date of transfer.
- (3) The report mentioned in paragraph (2) must state the following:
- (a) the type and total quantity of the chemical or precursor to be transferred;
 - (b) the purpose for which the chemical or precursor is to be used;
 - (c) the name and address of the recipient of the chemical or precursor;
 - (d) any other information that the Director-General requires.

Record keeping

12. A person required to give a report to the Director-General under regulation 10 or 11 must keep a copy of each report forwarded to the Director-General for at least 5 years after the end of the year to which the report relates.

PART 4

COMPOSITION OF OFFENCES

Compoundable offences

13. The following offences may be compounded by the Director-General in accordance with section 30 of the Act:

- (a) any offence under sections 9(13), 12(2) and 13(4) of the Act;
- (b) any offence under regulations 4(3), 5(6) and 10(7).