

# CHEMICAL WEAPONS CONVENTION

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## Table of Contents

	<i>Page</i>
<i>Principal</i>	
<b>Chemical Weapons Convention Act 2012</b>	
Table of Provisions .....	791
Table of Amendments .....	793
Chemical Weapons Convention Act 2012 .....	795



# Chemical Weapons Convention Act 2012

## TABLE OF PROVISIONS

*Section*

*Title*

### **PART 1 — PRELIMINARY MATTERS**

- 1 Short title
- 2 Commencement
- 3 Extraterritorial application of offences
- 4 Act binds Republic

### **PART 2 — INTERPRETATION**

- 5 Definitions
- 6 Other terms defined in Convention

### **PART 3 — CHEMICAL WEAPONS AUTHORITY**

- 7 Establishment of Authority
- 8 Functions of Authority
- 9 Delegation

### **PART 4 — CHEMICAL WEAPONS**

- 10 Chemical weapon – development, production, acquisition and possession
- 11 Chemical weapon – transportation and transfer
- 12 Chemical weapon and riot control agents – use
- 13 Chemical weapon – military preparations
- 14 Chemical weapon – forfeiture

### **PART 5 — SCHEDULED AND DISCRETE ORGANIC CHEMICALS**

#### **DIVISION 1 — SCHEDULE 1 CHEMICALS**

- 15 Schedule 1 chemical – the Republic or territory of another State party to Convention
- 16 Schedule 1 chemicals – prohibitions in territory of State not party to Convention

#### **DIVISION 2 — SCHEDULE 2 CHEMICALS**

- 17 Schedule 2 chemical – production, processing or consumption
- 18 Schedule 2 chemical – prohibited import or export
- 19 Schedule 2 chemical – import or export

<i>Section</i>	<i>Title</i>
	<b>DIVISION 3 — SCHEDULE 3 CHEMICALS</b>
20	Schedule 3 chemical – production
21	Schedule 3 chemical – import or export
22	Schedule 3 chemical – export to territory of State not party to Convention
	<b>DIVISION 4 — DISCRETE ORGANIC CHEMICALS</b>
23	Discrete organic chemicals – production by synthesis
	<b>DIVISION 5 — INFORMATION</b>
24	Authority may obtain information for declarations
	<b>PART 6 — INTERNATIONAL INSPECTIONS</b>
25	Places and things subject to inspection
26	Powers, privileges and immunities of inspectors
27	Escort
28	Obstruction of inspection activities
	<b>PART 7 — MISCELLANEOUS MATTERS</b>
29	False or misleading information
30	Liability of directors
31	Confidentiality of information
32	Evidentiary presumption
33	Regulations
	<b>SCHEDULE — CONVENTION: ANNEX ON CHEMICALS</b>

# Chemical Weapons Convention Act 2012

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## TABLE OF AMENDMENTS

The Chemical Weapons Convention Act 2012 No 20 was certified and commenced on 6 November 2012 (GN No 606/2012; Gaz 153/2012).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021



An Act to give effect to the *Chemical Weapons Convention* and for related purposes.

Enacted by the Parliament of Nauru as follows:

## **PART 1 — PRELIMINARY MATTERS**

### **1 Short title**

This Act may be cited as the *Chemical Weapons Convention Act 2012*.

### **2 Commencement**

This Act commences on certification and came into effect on 6 November 2012.

### **3 Extraterritorial application of offences**

A person commits an offence under this Act if:

- (a) the conduct constituting the offence occurred wholly or partly in:
  - (i) the Republic; or
  - (ii) a place that is under the control of the Republic;
- (b) a result of the conduct constituting the offence occurred wholly or partly in:
  - (i) the Republic; or
  - (ii) a place that is under the control of the Republic; or
- (c) the person is a Nauruan citizen, whether or not the conduct constituting the offence, or a result of the conduct, occurred wholly or partly in the Republic.

### **4 Act binds Republic**

This Act binds the Republic.





## PART 2 — INTERPRETATION

### 5 Definitions

In this Act:

**‘Authority’** means the Chemical Weapons Authority established under Part 3;

**‘consumption’** of a chemical means its conversion into another chemical via a chemical reaction;

**‘Convention’** means the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (done at Paris on 13 January 1993)* and includes:

- (a) the Annexes to the Convention; and
- (b) any amendments to the Convention or the Annexes to the Convention that are binding on the Republic from time to time;

**‘discrete organic chemical’** means a chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates unless:

- (a) it is an oligomer or polymer, whether or not it contains phosphorus, sulphur or fluorine; or
- (b) it contains only carbon and metal;

**‘international inspection’** means an inspection or visit carried out by an international inspector under the Convention;

**‘international inspector’** means an inspector designated under Part II, Section A of the Convention;

**‘Organisation’** means the Organization for the Prohibition of Chemical Weapons established under the Convention;

**‘permitted purpose’** means:

- (a) for a Schedule 1 chemical: a research, medical or pharmaceutical purpose or a purpose directly related to protection against toxic chemicals and chemical weapons; or
- (b) for a Schedule 2 or 3 chemical or any other toxic chemical or precursor:
  - (i) an industrial, agricultural, research, medical, pharmaceutical purpose or other peaceful purpose;
  - (ii) a purpose directly related to protection against toxic chemicals and chemical weapons;
  - (iii) a 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) law enforcement, including domestic riot control;

**‘processing’** of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;

**‘production’** of a chemical means its formation through chemical reaction;

**‘Schedule 1 chemical’** means a chemical listed in Schedule 1 of the Annex to the Convention on Chemicals (see the Schedule);

*'Schedule 2 chemical'* means a chemical listed in Schedule 2 of the Annex to the Convention on Chemicals (see the Schedule); and

*'Schedule 3 chemical'* means a chemical listed in Schedule 3 of the Annex to the Convention on Chemicals (see the Schedule).

## **6 Other terms defined in Convention**

Unless the context otherwise requires, a term that is not defined in this Act but is defined in the Convention has the meaning given to the term in the Convention.

## PART 3 — CHEMICAL WEAPONS AUTHORITY

### 7 **Establishment of Authority**

- (1) The Chemical Weapons Authority is established.
- (2) The Authority consists of the Head of Department.

### 8 **Functions of Authority**

- (1) The Authority has the following functions:
  - (a) to be the national focal point for effective liaison with the Organisation and other States Parties to the Convention;
  - (b) to administer this Act; and
  - (c) to supervise the implementation of the Convention in the Republic.
- (2) The Authority shall, in performing its functions, have regard to the Republic's obligations under the Convention and shall not act in a manner that is inconsistent with those obligations.

### 9 **Delegation**

The Authority may, with the written consent of the Minister, delegate any of its functions or powers to another person.



## PART 4 — CHEMICAL WEAPONS

### **10 Chemical weapon – development, production, acquisition and possession**

A person commits an offence, if the person develops, produces, acquires or possesses a chemical weapon.

Maximum penalty: \$1,000,000 or life imprisonment.

### **11 Chemical weapon – transportation and transfer**

A person commits an offence, if the person:

- (a) engages in conduct;
- (b) the conduct results in the transportation or transfer, whether directly or indirectly, of a chemical weapon to another person; and
- (c) the person knows, or is reckless as to whether, the conduct will have that result.

Maximum penalty: \$1,000,000 or life imprisonment.

### **12 Chemical weapon and riot control agents – use**

A person commits an offence, if the person uses:

- (a) a chemical weapon in any way; or
- (b) a riot control agent as a method of warfare.

Maximum penalty: \$1,000,000 or life imprisonment.

### **13 Chemical weapon – military preparations**

A person commits an offence, if the person engages in military preparations to use a chemical weapon.

Maximum penalty: \$1,000,000 or life imprisonment.

### **14 Chemical weapon – forfeiture**

- (1) A chemical weapon found in the Republic or a place under the control of the Republic:
  - (a) is forfeited to the Republic; and
  - (b) may be seized without warrant by a police officer.
- (2) The Authority shall:
  - (a) store and dispose of the weapon in accordance with the Convention; and
  - (b) report the seizure of the weapon to the Organisation.
- (3) A chemical used in the development or production of a chemical weapon in the Republic or a place under the control of the Republic:
  - (a) is forfeited to the Republic; and
  - (b) may be seized without warrant by a police officer.



**PART 5 — SCHEDULED AND DISCRETE ORGANIC CHEMICALS**

**DIVISION 1 — SCHEDULE 1 CHEMICALS**

**15 Schedule 1 chemical – the Republic or territory of another State party to Convention**

(1) A person shall not, without the written consent of the Authority, produce, acquire, possess, transport or use a Schedule 1 chemical in the Republic or the territory of another State party to the Convention.

Maximum penalty: \$100,000 or imprisonment for 1 year.

(2) A person shall not, without the written consent of the Authority, export or import a Schedule 1 chemical to or from the territory of another State party to the Convention.

Maximum penalty: \$100,000 or imprisonment for 1 year.

(3) An application for consent shall:

- (a) be made in the manner and form required by the Authority; and
- (b) be accompanied by the fee fixed by regulations.

(4) Consent may only be given if:

- (a) the activity for which consent is sought is a permitted purpose;
- (b) the type and quantity of the chemical is strictly limited to those that can be justified for that purpose;
- (c) the aggregate amount of the chemicals at any given time possessed for the purpose will be equal to or less than 1 tonne;
- (d) the aggregate amount acquired for the purpose in any year will be equal to or less than 1 tonne; and
- (e) in the case of production, the facility complies with the requirements set out in the Convention.

(5) The Authority may, by instrument in writing, impose conditions on its consent.

(6) Without limiting the conditions that may be imposed:

- (a) conditions of a consent to produce a Schedule 1 chemical shall include conditions relating to the facility at which the chemical is to be produced, to inspection of that facility and to verification activities conducted in connection with the facility as required by the Convention;
- (b) conditions shall include requirements for returns to be provided to the Authority to enable the Authority to fulfil its reporting obligations under the Convention; and
- (c) conditions shall require compliance with the Convention as if the holder were a State party to the Convention, subject to any modifications specified in the conditions.

(7) The Authority may, by notice in writing to the holder of a consent, vary, revoke or impose further conditions on its consent.

(8) The Authority may, by notice in writing to the holder, withdraw its consent.

(9) A person to whom consent is given by the Authority shall not contravene the conditions of the consent.

Maximum penalty: \$100,000 or imprisonment for 1 year.

**16 Schedule 1 chemicals – prohibitions in territory of State not party to Convention**

(1) A person shall not produce, acquire, possess, transport or use a Schedule 1 chemical in the territory of a State not party to the Convention.

Maximum penalty: \$100,000 or imprisonment for 1 year.

(2) A person shall not import or export a Schedule 1 chemical to or from the territory of a State not party to the Convention.

Maximum penalty: \$100,000 or imprisonment for 1 year.

## DIVISION 2 — SCHEDULE 2 CHEMICALS

**17 Schedule 2 chemical – production, processing or consumption**

(1) A person shall not produce, process or consume a Schedule 2 chemical other than for a permitted purpose.

Maximum penalty: \$50,000.

(2) A person has a reporting obligation under this Section for a calendar year if the person operates a facility at which a declared Schedule 2 chemical is produced, processed or consumed and the Schedule 2 threshold for the chemical is exceeded in that year or it is anticipated that it will be exceeded in that year.

(3) A declared Schedule 2 chemical is a Schedule 2 chemical in a concentration above the threshold fixed by Guidelines under the Convention.

(4) The Schedule 2 threshold is exceeded for a declared Schedule 2 chemical in a calendar year if more than the following amount of the chemical is produced, processed or consumed at the facility during the year:

(a) for a chemical designated “\*” in Schedule 2, Part A – 1 kilogram;

(b) for any other chemical listed in Schedule 2, Part A – 100 kilograms; or

(c) for a chemical listed in Schedule 2, Part B – 1 tonne.

[Note for subsection (4) – The amounts refer to the weight of the Schedule 2 chemical contained in a mixture and not to the weight of the mixture itself.]

(5) A person who has a reporting obligation under this Section shall, not later than 30 days after the end of a calendar year in which the Schedule 2 threshold for a declared Schedule 2 chemical is exceeded, provide the Authority with the following information in the manner and form required by the Authority:

(a) the name of the facility;

(b) the name and contact details of the operator of the facility;

(c) the precise location of the facility, including its address;

(d) the number of plants within the facility for which information shall be provided under Division 3 (Schedule 3 chemicals);

(e) for each plant within the facility that is involved in the production, processing or consumption of a declared Schedule 2 chemical:

(i) the name of the plant;

(ii) the name and contact details of the operator of the plant;

(iii) its precise location within the facility, including the specific building or structure number, if any;

(iv) the main activities carried on at the plant;

(v) the declared Schedule 2 chemical; and



- (vi) whether the plant:
  - (A) produced, processed, or consumed the chemical;
  - (B) was dedicated to such activities or was multi-purpose; and
  - (C) performed other activities with regard to the chemical, including a specification of that other activity (eg storage); and
- (vii) the production capacity of the plant for the chemical and the method used to calculate that production capacity; and
- (f) for each declared Schedule 2 chemical:
  - (i) the chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
  - (ii) the total amount produced, processed, consumed, imported and exported through the facility in the calendar year, expressed in kilograms or in tonnes; and
  - (iii) the purpose for which the chemical was produced, processed or consumed, classified as follows:
    - (A) processing and consumption on site with a specification of the type of product that resulted from the processing or consumption;
    - (B) sale or transfer within the Republic or a territory of a State party to the Convention, with a specification whether it was sold or transferred to another industry, trader or another destination and, if known, the final type of product that resulted from the production, processing or consumption; and
    - (C) direct export, with a specification of the countries involved; or
    - (D) other, including a specification of the other purposes.

Maximum penalty: \$50,000.

- (6) A person who has a reporting obligation under this Section shall, not later than 90 days before the beginning of a calendar year in which it is anticipated that the Schedule 2 threshold will be exceeded, provide the Authority with the following information in the manner and form required by the Authority:
  - (a) the name of the facility;
  - (b) the name and contact details of the operator of the facility;
  - (c) the precise location of the facility, including its address;
  - (d) the number of plants within the facility for which information shall be provided under Division 3 (Schedule 3 chemicals);
  - (e) for each plant within the facility that is involved in the production, processing or consumption of a declared Schedule 2 chemical:
    - (i) the name of the plant;
    - (ii) the name and contact details of the operator of the plant;
    - (iii) its precise location within the facility, including the specific building or structure number, if any;
    - (iv) the main activities carried on at the plant;
    - (v) the declared Schedule 2 chemical;
    - (vi) whether it is anticipated that the plant:
      - (A) will produce, process, or consume the chemical;
      - (B) will be dedicated to such activities or will be multi-purpose;

- (C) will perform other activities with regard to the chemical, including a specification of that other activity (eg storage); and
- (vii) the anticipated production capacity of the plant for the chemical and the method used to calculate that production capacity; and
- (f) for each declared Schedule 2 chemical:
  - (i) the chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
  - (ii) the total amount anticipated to be produced, processed, consumed, imported and exported through the facility in the calendar year, expressed in kilograms or in tonnes; and
  - (iii) the purpose for which it is anticipated the chemical will be produced, processed or consumed, classified as follows:
    - (A) processing and consumption on site with a specification of the type of product to result from the processing or consumption;
    - (B) sale or transfer within the Republic or a territory of a State party to the Convention, with a specification whether it is to be sold or transferred to another industry, trader or another destination and, if known, the final type of product to result from the production, processing or consumption;
    - (C) direct export, with a specification of the countries involved; or
    - (D) other, including a specification of the other purposes.

Maximum penalty: \$50,000.

## **18 Schedule 2 chemical – prohibited import or export**

A person shall not import or export a Schedule 2 chemical to or from the territory of a State not party to the Convention.

Maximum penalty: \$50,000.

## **19 Schedule 2 chemical – import or export**

A person who imports or exports a Schedule 2 chemical to or from the Republic or the territory of a State party to the Convention during a calendar year shall provide the Authority, within 30 days after the end of the year, with the following information in the manner and form required by the Authority:

- (a) the name and contact details of the person; and
- (b) the types and quantities (expressed in kilograms or tonnes) of each Schedule 2 chemical imported and exported and the country from which it was imported or the country of final destination.

Maximum penalty: \$50,000.

### DIVISION 3 — SCHEDULE 3 CHEMICALS

## **20 Schedule 3 chemical – production**

- (1) A person shall not produce a Schedule 3 chemical other than for a permitted purpose.

Maximum penalty: \$50,000.

- (2) A person has a reporting obligation under this Section for a calendar year if the person operates a facility at which a declared Schedule 3 chemical is

produced and the Schedule 3 threshold is exceeded in that year or it is anticipated that it will be exceeded in that year.

- (3) A declared Schedule 3 chemical is a Schedule 3 chemical in a concentration above the threshold fixed by Guidelines under the Convention.
- (4) The Schedule 3 threshold is exceeded in a calendar year if:
  - (a) more than 30 tonnes of a declared Schedule 3 chemical is produced at the facility during the year; or
  - (b) it is anticipated that more than 30 tonnes of a declared Schedule 3 chemical will be produced at the facility during the year.
- (5) A person who has a reporting obligation under this Section shall, not later than 30 days after the end of a calendar year in which the Schedule 3 threshold is exceeded, provide the Authority with the following information in the manner and form required by the Authority:
  - (a) the name of the facility;
  - (b) the name and contact details of the operator of the facility;
  - (c) the precise location of the facility, including its address;
  - (d) the number of plants within the facility for which information shall be provided under Division 2 (Schedule 2 chemicals); and
  - (e) for each Schedule 3 chemical:
    - (i) the chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
    - (ii) the approximate amount of production of the chemical during the year, expressed in the ranges: 30 to less than 200 tonnes, 200 to less than 1,000 tonnes, 1,000 to less than 10,000 tonnes, 10,000 to less than 100,000 tonnes, and 100,000 tonnes or more; and
    - (iii) the purposes for which the chemical was produced.

Maximum penalty: \$50,000.

- (6) A person who has a reporting obligation under this Section shall, not later than 90 days before the beginning of a calendar year in which it is anticipated that the Schedule 3 threshold will be exceeded, provide the Authority with the following information in the manner and form required by the Authority:
  - (a) the name of the facility;
  - (b) the name and contact details of the operator of the facility;
  - (c) the precise location of the facility, including its address;
  - (d) the number of plants within the facility for which information shall be provided under Division 2 (Schedule 2 chemicals); and
  - (e) for each declared Schedule 3 chemical:
    - (i) the chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
    - (ii) the approximate amount of production of the chemical anticipated for the next calendar year, expressed in the ranges: 30 to less than 200 tonnes, 200 to less than 1,000 tonnes, 1,000 to less than 10,000 tonnes, 10,000 to less than 100,000 tonnes, and 100,000 tonnes or more; and
    - (iii) the purposes for which the chemical will be produced.

Maximum penalty: \$50,000.

**21 Schedule 3 chemical – import or export**

A person who imports or exports a Schedule 3 chemical to or from the Republic or the territory of a State party to the Convention during a calendar year shall provide the Authority, within 30 days after the end of the year, with the following information in the manner and form required by the Authority:

- (a) the name and contact details of the person; and
- (b) the types and quantities (expressed in kilograms or tonnes) of each Schedule 3 chemical imported and exported and the country from which it was imported or the country of final destination.

Maximum penalty: \$50,000.

**22 Schedule 3 chemical – export to territory of State not party to Convention**

A person shall not export a Schedule 3 chemical to a territory of a State not party to the Convention, unless the person:

- (a) obtains from the intended recipient of the chemical, before it leaves the Republic, a certificate stating that:
  - (i) the chemicals will only be used for purposes not prohibited under the Convention;
  - (ii) the chemicals will not be re-transferred;
  - (iii) the types and quantities (expressed in kilograms or tonnes) of chemicals to be exported;
  - (iv) the end uses of the chemicals; and
  - (v) the names and addresses of the end users; and
- (b) takes any other measures that are reasonable in the circumstances to ensure that the chemical is only used for a permitted purpose.

Maximum penalty: \$50,000.

## DIVISION 4 — DISCRETE ORGANIC CHEMICALS

**23 Discrete organic chemicals – production by synthesis**

- (1) A person shall not produce a discrete organic chemical other than for a permitted purpose.

Maximum penalty: \$50,000.

- (2) A person has a reporting obligation under this Section for a calendar year if the person operates a chemical production facility and during that year:
  - (a) more than 200 tonnes of discrete organic chemicals is produced by synthesis at the facility; or
  - (b) more than 30 tonnes of a discrete organic chemical containing the elements phosphorus, sulphur or fluorine is produced by synthesis at the facility,but not if the facility exclusively produced explosives or hydrocarbons during that year.
- (3) A person who has a reporting obligation under this Section for a calendar year shall, not later than 30 days after the end of the year, provide the Authority with the following information:
  - (a) the name of the facility;
  - (b) the name and contact details of the operator of the facility;

- (c) the precise location of the facility, including its address;
- (d) the main activities carried on at the facility during the calendar year;
- (e) the approximate number of plants producing the chemicals specified in subsection (2) at the facility;
- (f) in the case of a facility at which more than 200 tonnes of discrete organic chemicals is produced by synthesis – the approximate aggregate amount of production of the chemicals during the calendar year expressed in the ranges: under 1,000 tonnes, 1,000 to less than 10,000 tonnes and 10,000 tonnes or more; and
- (g) in the case of a facility at which more than 30 tonnes of a discrete organic chemical containing the elements phosphorus, sulphur or fluorine is produced by synthesis – the approximate aggregate amount of production of PSF-chemicals produced by each PSF-plant during the calendar year expressed in the ranges: under 200 tonnes, 200 to less than 1,000 tonnes, 1,000 to less than 10,000 tonnes and 10,000 tonnes or more.

Maximum penalty: \$50,000.

#### DIVISION 5 — INFORMATION

### **24 Authority may obtain information for declarations**

- (1) Where the Authority is of the opinion that a person is capable of giving information or providing documents relevant to:
  - (a) a declaration required to be given by the Republic to the Organisation under the Convention; or
  - (b) the enforcement of this Act,the Authority may, by notice in writing given to the person, require the person to give the Authority specified information or documents, or information or documents of a specified kind, in the manner and within the period specified in the notice.
- (2) The Authority may require the information to be verified by statutory declaration or on oath and the information will not be taken to have been provided until so verified.
- (3) A person shall not, without reasonable excuse, fail to comply with a notice given to the person under subsection (1).

Maximum penalty: \$25,000.



## PART 6 — INTERNATIONAL INSPECTIONS

### **25 Places and things subject to inspection**

A place or thing is subject to an international inspection if the inspection is permitted under the Convention.

### **26 Powers, privileges and immunities of inspectors**

An international inspector performing his or her duties under the Convention in the Republic or a place controlled by the Republic has all the powers, privileges and immunities specified in the Convention.

### **27 Escort**

The Authority may authorise a person in writing to accompany an international inspector conducting an international inspection in order to facilitate the inspection.

### **28 Obstruction of inspection activities**

A person in charge of a place or thing that is subject to an international inspection, shall not hinder or obstruct an international inspector carrying out inspection activities permitted or required under the Convention.

Maximum penalty: \$25,000.





## PART 7 — MISCELLANEOUS MATTERS

### 29 False or misleading information

A person shall not make a statement that is false or misleading in a material particular, whether by reason of the inclusion or omission of any particular, in information provided under this Act.

Maximum penalty: \$10,000.

### 30 Liability of directors

- (1) Where a body corporate commits an offence against this Act, each director of the body corporate is guilty of an offence and liable to the same penalty as is fixed for the principal offence.
- (2) A director of a body corporate may be prosecuted and convicted of an offence under this Section, whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

### 31 Confidentiality of information

- (1) A person who has obtained information under this Act, commits an offence if:
  - (a) the person engages in conduct;
  - (b) the conduct results in the disclosure of the information to another person; and
  - (c) the person knows, or is reckless about whether, the person's conduct will result in the disclosure.

Maximum penalty: \$25,000.

- (2) A person does not commit an offence under subsection (1), if the disclosure was made for the purpose of carrying out functions for the administration of this Act.

### 32 Evidentiary presumption

In proceedings for an offence against this Act, an apparently genuine document purporting to be a certificate signed by the Authority certifying a matter relating to a consent under this Act is, in the absence of proof to the contrary, proof of the matters so certified.

### 33 Regulations

- (1) The Cabinet may make regulations under this Act.
- (2) The regulations may:
  - (a) be of general application or vary in their application according to prescribed factors;
  - (b) give the Minister or the Authority discretion to decide a matter; and
  - (c) exempt a person, conditionally or unconditionally, from the application of a provision of this Act.



**SCHEDULE  
CONVENTION: ANNEX ON CHEMICALS**

**Extract from The Convention on the Prohibition of the Development, Production,  
Stockpiling and Use of Chemical Weapons and on their Destruction**

**ANNEX ON CHEMICALS**

**A. GUIDELINES FOR SCHEDULES OF CHEMICALS**

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:
  - (a) it has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
  - (b) it poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
    - (i) it possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
    - (ii) it possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;
    - (iii) it may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;
  - (c) it has little or no use for purposes not prohibited under this Convention.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:
  - (a) it poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
  - (b) it may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
  - (c) it poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
  - (d) it is not produced in large commercial quantities for purposes not prohibited under this Convention.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

- (a) it has been produced, stockpiled or used as a chemical weapon;
- (b) it poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
- (c) it poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
- (d) it may be produced in large commercial quantities for purposes not prohibited under this Convention.

## B. SCHEDULES OF CHEMICALS

The following Schedules list toxic chemicals and their precursors. For the purpose of implementing this Convention, these Schedules identify chemicals for the application of verification measures according to the provisions of the Verification Annex. Pursuant to Article II, subparagraph 1(a), these Schedules do not constitute a definition of chemical weapons.

(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 Schedule as long as they are not explicitly exempted. A chemical marked “\*” on Schedule 2, part A, is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.)

<u>Schedule 1</u>	(CAS registry number)
A. Toxic chemicals:	
(1) O-Alkyl ( $\leq$ C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates	
eg Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)
(2) O-Alkyl ( $\leq$ C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
eg Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)
(3) O-Alkyl (H or $\leq$ C10, incl. cycloalkyl) N,N- dialkyl) 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	
eg VX: O-Ethyl S-2- diisopropylaminoethyl methyl phosphonothiolate	(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)

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|------|--|---------------|
|      | 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)<br>phosphonyldifluorides  |               |
|      | eg DF: Methylphosphonyldifluoride  | (676-99-3)    |
| (10) | O-Alkyl (H or $\leq$ C10, incl. cycloalkyl) O-2-dialkyl<br>(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl<br>(Me, Et, N-Pr or i-Pr) phosphonites and<br>corresponding alkylated or protonated salts |               |
|      | eg QL: O-Ethyl O-2-diisopropylaminoethyl<br>methylphosphonite  | (57856-11-8)  |
| (11) | Chlorosari: O-Isopropyl<br>methylphosphonochloridate   | (1445-76-7)   |
| (12) | Chlorosoman: O-Pinacolyl<br>methylphosphonochloridate  | (7040-57-5)   |

#### Schedule 2

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|-----|--|-------------|
|     | A. Toxic chemicals:  |             |
| (1) | Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl]<br>phosphorothiolate and corresponding<br>alkylated or protonated salts  | (78-53-5)   |
| (2) | PFIB1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-<br>1-propene  | (382-21-8)  |
| (3) | BZ: 3-Quinuclidinyl benzilate (*)  | (6581-06-2) |
|     | B. Precursors:   |             |
| (4) | Chemicals, except for those listed in Schedule<br>1,<br>containing a phosphorus atom to which is<br>bonded one<br>methyl, ethyl or propyl (normal or iso) group<br>but not |             |

- further carbon atoms,  
 eg 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) Quinuclidine-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 (108-01-0) and corresponding protonated salts  
 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
- (14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol

Schedule 3

## 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) Ethyldiethanolamine (139-87-7)

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|------|----------------------|------------|
| (16) | Methyldiethanolamine | (105-59-9) |
| (17) | Triethanolamine      | (102-71-6) |

