



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CHEMICAL WEAPONS (PROHIBITION) ACT 2000

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Chemical Weapons (Prohibition) Act 2000

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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 13 January 1993.

[1 June 2000]

PART 1
PRELIMINARY

Short title

1. This Act is the Chemical Weapons (Prohibition) Act 2000.

Interpretation

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

“authorised officer” means —

- (a) the Director-General;
- (b) any officer of customs;
- (c) any police officer; or
- (d) any person appointed as an authorised officer under section 6(3);

“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 that 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 the 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;

“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 13 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;

“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 1960;

“export” 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” means to bring or cause to be brought into Singapore by land, water or air from any place that is outside Singapore but does not include the bringing into Singapore of any thing that 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 1960;

(b) any senior officer of customs appointed under section 4(4) of the Customs Act 1960; or

- (c) any officer of customs appointed under section 5(2) of the Customs Act 1960;

“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 the 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;

“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 1 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 2 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 3 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.

[49/2007]

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

Act binds 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 must have regard to Singapore’s obligations under the Convention.

Extraterritorial 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 or she may be dealt with in respect of that offence as if that offence had been committed within Singapore.

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

(4) Despite 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 are to be taken until the consent of the Public Prosecutor has been obtained.

PART 2

ADMINISTRATION

Administration of Act

6.—(1) The Director-General is responsible for the administration of this Act, subject to the general or special directions of the Minister.
[49/2007]

(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.
[49/2007]

(3) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon him or her by this Act to any authorised officer, except the power of delegation under this subsection.
[49/2007]

7. [Repealed by Act 49 of 2007]

PART 3
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 —

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

(2) Nothing in subsection (1) applies 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) the accused 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 the accused first knew or suspected it to be a chemical weapon or riot control agent (as the case may be), the accused took all

reasonable steps to inform an authorised officer of the accused's knowledge or suspicion.

(4) Nothing in subsection (3) affects any defence that 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) A person must not 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]

(2) A person must not —

(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]

(3) A person must not 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]

(4) A person must not 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]

(5) Subsection (1) does 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]

(6) Subsection (2) does 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]

(7) 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,

is to be disregarded.

[49/2007]

(8) Subsection (4) does 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]

(9) The Minister may by regulations prescribe the concentration of a chemical in a mixture for the purposes of subsection (5), (6), (7) or (8).

[49/2007]

(10) The regulations under subsection (9) 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]

(11) An application for a licence to do any of the acts referred to in subsections (1) to (4) must be made to the Director-General in such manner or form as the Director-General may determine and must be accompanied by the prescribed fee.

[49/2007]

(12) 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.

(13) 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.

(14) 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]

(15) 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 the offence must be forfeited to the Government, and either destroyed or otherwise dealt with in any manner that 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]

(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 is not to 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 even though no person has been charged with or convicted of an offence under this Part in relation to the thing to be forfeited.

PART 4**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]

(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 must —

- (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) any other matters relevant to a declaration required to be given by Singapore to the Organisation under the Convention that are prescribed;
- (b) keep the records in relation to the chemicals and facility referred to in paragraph (a) that 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]

(2) Any person who, without reasonable cause, refuses or fails 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 the records; and
- (b) the period for which the 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 the special reports;
- (c) the time within which the periodic reports and special reports are to be made; and
- (d) the persons who are to sign the periodic reports and special reports.

Director-General may seek information for declarations and consultation purposes

13.—(1) This section applies 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]

(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]

(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]

(4) Any person who, without reasonable cause, intentionally or recklessly refuses or fails 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]

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 5

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 the 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; and
- (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 are national inspectors for the purposes of this Act.

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

[49/2007]

(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 —

- (d) enter the premises;
- (e) inspect the premises pursuant to the Convention and, in the case of any facility, any applicable facility agreement; and
- (f) 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]

Written directions

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

[49/2007]

(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]

Identification certificates

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

[49/2007]

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 the 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 the 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 the 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 must —

- (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;

- (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(e) and (f) cannot be obtained or where the person refuses to give the consent.

[49/2007]

(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(e) and (f); and
- (c) the consent of the person who is in control of the premises cannot be obtained or the 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 must —

- (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;
 - (ii) the results of each application; and

- (b) disclose on the application for the warrant the results of the inquiries.

[49/2007]

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 any force that is reasonable in the circumstances.

Obligations of persons carrying out inspections

24.—(1) Every national inspector must —

- (a) carry his or her identification certificate; and
- (b) produce it to any person appearing to be in control of the premises entered —
 - (i) on entering the premises (if the person is then present); and
 - (ii) at any reasonable time after entering the premises, if asked to do so by the person.

(2) Every national inspector must —

- (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;
 - (iii) the name of every person entering;
- (b) where applicable, have a warrant with him or her 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 applies 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 applies 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 6

MISCELLANEOUS PROVISIONS

Confidentiality

26.—(1) Every person must 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.

[2/2012]

(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 the premises.

(2) An authorised officer who enters the premises under the authority of the warrant may —

- (a) take with him or her such other person and such equipment as appear to him or her to be necessary;
- (b) inspect any document found on the premises which he or she 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 or she 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 or she has reasonable cause to believe may be required as such evidence; and
- (f) search or cause to be searched any person found on the premises whom he or she has reasonable cause to believe to be in possession of any document, device, equipment or substance.

(3) A woman or girl must not 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 or she, 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 has jurisdiction to hear and determine all prosecutions for offences under this Act; and a District Court, despite anything to the contrary in the Criminal Procedure Code 2010, has jurisdiction to impose the full penalty or punishment under this Act.

Composition of offences

30.—(1) The Director-General may compound any offence under this Act that 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.

[49/2007]

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

Public servants

31. All authorised officers are deemed to be public servants within the meaning of the Penal Code 1871.

Power to amend Schedule

32. The Minister may, by order 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 limiting 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.

[49/2007]

THE SCHEDULE

Sections 2(1), 9 and 32

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 2 is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.

PART 1

(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)

THE SCHEDULE — *continued*

- (3) O-Alkyl (H or $\leq C_{10}$, 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 (50782-69-9)
 S-2-diisopropylaminoethyl methyl phosphonothiolate
- (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)
- (8A) P-alkyl (H or $\leq C_{10}$, incl. cycloalkyl)
 N-(1-(dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))
 alkylidene(H or $\leq C_{10}$, incl. cycloalkyl)

THE SCHEDULE — *continued*

phosphonamidic fluorides and corresponding
alkylated or protonated salts

e.g. N-(1-(di-n-decylamino)-n-decylidene)-
P-decylphosphonamidic fluoride (2387495-99-8)

Methyl-(1-(diethylamino)ethylidene)
phosphonamidofluoride (2387496-12-8)

(8B) O-alkyl (H or $\leq C_{10}$, incl. cycloalkyl) N-(1-(
dialkyl($\leq C_{10}$, incl. cycloalkyl)amino))
alkylidene(H or $\leq C_{10}$, incl. cycloalkyl)
phosphoramidofluorides and corresponding
alkylated or protonated salts

e.g. O-n-Decyl N-(1-(di-n-decylamino)-n-
decylidene)
phosphoramidofluoride (2387496-00-4)

Methyl (1-(diethylamino)ethylidene)
phosphoramidofluoride (2387496-04-8)

Ethyl (1-(diethylamino)ethylidene)
phosphoramidofluoride (2387496-06-0)

(8C) Methyl-(bis(diethylamino)methylene)
phosphonamidofluoride (2387496-14-0)

(8D) Carbamates (quaternaries and bisquaternaries
of dimethylcarbamoyloxy pyridines)

Quaternaries of
dimethylcarbamoyloxy pyridines:

1-[N,N-dialkyl($\leq C_{10}$)-N-(n-(hydroxyl,
cyano, acetoxy)alkyl($\leq C_{10}$)) ammonio]-n-
[N-(3-dimethylcarbamoyloxy- α -picolinyl)-N,N-
dialkyl($\leq C_{10}$) ammonio]
decane dibromide (n=1-8)

e.g. 1-[N,N-dimethyl-N-(2-hydroxy)
ethylammonio]-10-[N-(3-
dimethylcarbamoyloxy- α -picolinyl)-N,N-
dimethylammonio]decane dibromide (77104-62-2)

Bisquaternaries of
dimethylcarbamoyloxy pyridines:

THE SCHEDULE — *continued*

1,n-Bis[N-(3-dimethylcarbamoxy- α -picolyl)-
N,N-dialkyl($\leq$ C10) ammonio]-alkane-(2,(n-
1)-dione) dibromide (n=2-12)

e.g. 1,10-Bis[N-(3-dimethylcarbamoxy- α -
picolyl)-N-ethyl-N-methylammonio]
decane-2,9-dione dibromide (77104-00-8)

B. Precursors:

(9) Alkyl (Me, Et, n-Pr or i-Pr)
phosphonyldifluorides

e.g. DF: Methylphosphonyldifluoride (676-99-3)

(10) O-Alkyl (H or $\leq$ C₁₀, 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 2

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

THE SCHEDULE — *continued*

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 (108-01-0)
and corresponding protonated
salts
 - N,N-Diethylaminoethanol and (100-37-8)
corresponding protonated
salts
- (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)

THE SCHEDULE — *continued*

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

[S 365/2020]

LEGISLATIVE HISTORY
CHEMICAL WEAPONS (PROHIBITION)
ACT 2000

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

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

Bill	:	9/2000
First Reading	:	21 February 2000
Second and Third Readings	:	25 April 2000
Commencement	:	1 June 2000

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

(Amendments made by section 4 of the above Act)

Bill	:	24/2001
First Reading	:	11 July 2001
Second and Third Readings	:	25 July 2001
Commencement	:	1 September 2001 (section 4)

3. 2001 Revised Edition — Chemical Weapons (Prohibition) Act (Chapter 37B)

Operation	:	31 December 2001
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4. Act 49 of 2007 — Chemical Weapons (Prohibition) (Amendment) Act 2007

Bill	:	39/2007
First Reading	:	17 September 2007
Second and Third Readings	:	22 October 2007
Commencement	:	14 December 2007

5. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012
(Amendments made by section 15 of the above Act)

Bill	:	22/2011
First Reading	:	21 November 2011
Second Reading	:	18 January 2012
Notice of Amendments	:	18 January 2012

Third Reading : 18 January 2012
Commencement : 1 March 2012 (section 15)

**6. G.N. No. S 365/2020 — Chemical Weapons (Prohibition) Act
(Amendment of Schedule) Order 2020**

Commencement : 7 June 2020

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
CHEMICAL WEAPONS (PROHIBITION)
ACT 2000

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2001 Ed.
9—(5)	9—(4A)
(6)	(4B)
(7)	(4C)
(8)	(4D)
(9)	(4E)
(10)	(4F)
(11)	(5)
(12)	(6)
(13)	(7)
(14)	(8)
(15)	(9)