

# **Chemical Weapons (Prohibition) (Amendment) Bill**

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**Bill No. 39/2007.**

*Read the first time on 17th September 2007.*

A BILL

*intituled*

An Act to amend the Chemical Weapons (Prohibition) Act (Chapter 37B of the 2001 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### Short title and commencement

1. This Act may be cited as the Chemical Weapons (Prohibition) (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 2

2. Section 2(1) of the Chemical Weapons (Prohibition) Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after paragraph (a) of the definition of “authorised officer”, the following paragraph:

10 “(aa) any officer of customs;”;

(b) by deleting the definition of “Director” and substituting the following definition:

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

(c) by inserting, immediately after the definition of “national inspector”, the following definition:

““officer of customs” means —

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

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

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

(d) by inserting, immediately after the definition of “premises”, the following definition:

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

(a) is formed and consumed within a defined manufacturing sequence; and

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

### **Repeal of sections 6 and 7 and re-enactment of section 6**

3. Sections 6 and 7 of the principal Act are repealed and the following section substituted therefor:

#### **“Administration of Act**

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

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

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

### **Amendment of section 9**

4. Section 9 of the principal Act is amended —

(a) by inserting, immediately after subsection (4), the following subsections:

“(4A) Subsection (1) shall not apply to the use, development, production, acquisition, stockpiling, retention or transfer for a permitted purpose of a mixture containing not more than the prescribed concentration of a prescribed Schedule 1 chemical.

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

(a) the production, processing or consumption for a permitted purpose of a mixture containing not more

than the prescribed concentration of a prescribed Schedule 2 chemical; and

- (b) the production for a permitted purpose of a mixture containing not more than the prescribed concentration of a prescribed Schedule 3 chemical.

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

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

shall be disregarded.

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

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

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

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

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

- (c) prescribe the method for working out the concentration of a chemical in a mixture.”; and
- (b) by deleting subsection (8) and substituting the following subsection:

- 5 “(8) The Minister may make regulations —
- (a) to prescribe the manner of application for a licence;
- (b) to prescribe the form and duration of a licence;
- 10 (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
- 15 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.”.

### Miscellaneous amendments

- 20 **5.** The principal Act is amended by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

25 Sections 2(1) (paragraph (a) of the definition of “authorised officer”), 9(1) to (4) and (5), 10(2), 11(1)(b), 12(1)(a) and (c), 13(1), (2), (3) and (5) and the section heading, 16(2), 18(3), 19(1) and (2), 20, 22(1) and (3), 30(1) and 33(2)(a)(i) and (b).

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Chemical Weapons (Prohibition) Act (Cap. 37B).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) —

- (a) to insert a definition of “Director-General” to replace the Director for the Prohibition of Chemical Weapons for the purpose of the new section 6;
- (b) to provide that an officer of customs (as defined) is an authorised officer for the purposes of the Act; and
- (c) to insert a definition of “produce” to capture the production of scheduled chemicals as intermediates, by-products or waste products.

Clause 3 repeals and re-enacts section 6 —

- (a) to designate the Director-General of Customs (the Director-General) as the person responsible for the administration of the Act, in place of the Director for the Prohibition of Chemical Weapons; and
- (b) to enable the Director-General to appoint any person as an authorised officer with the approval of the Minister for the purposes of the Act.

The clause also repeals section 7 which is no longer needed.

Clause 4 amends section 9 to exclude, from the requirement for a licence to do certain acts involving a scheduled chemical or an unscheduled discrete organic chemical, acts involving a mixture containing that chemical in low concentration. The concentration limits and types of chemicals will be prescribed by regulations. The clause also enables regulations to be made to provide for appeals to the Minister against decisions of the Director-General not to grant, renew or extend a licence, or to suspend or cancel a licence.

Clause 5 makes miscellaneous amendments to certain provisions of the Act arising from the new section 6.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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