
STATUTORY INSTRUMENTS

1996 No. 3030

CHEMICAL WEAPONS

**The Chemical Weapons (Licence
Appeal Provisions) Order 1996**

<i>Made</i>	- - - -	<i>2nd December 1996</i>
<i>Laid before Parliament</i>		<i>4th December 1996</i>
<i>Coming into force</i>	- -	<i>1st January 1997</i>

The Secretary of State, in exercise of the powers conferred by section 20(4) of the Chemical Weapons Act 1996⁽¹⁾, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Chemical Weapons (Licence Appeal Provisions) Order 1996 and shall come into force on 1st January 1997.

Rules concerning the conduct of appeals

2. The model rules concerning the conduct of appeals set out in Chapter 1 of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996⁽²⁾ shall apply for the purposes of section 20(4) of the Chemical Weapons Act 1996 with the modifications set out in the Schedule hereto.

Department of Trade and Industry
2nd December 1996

Anthony Nelson,
Minister for Trade,

(1) 1996 c. 6.
(2) S.I. 1996/1678.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

MODIFICATIONS TO THE MODEL RULES CONCERNING THE CONDUCT OF APPEALS

1.—(1) In rule 1 in the definition of “enforcement action” for “has the same meaning as in section 5 of the Deregulation and Contracting Out Act 1994” there shall be substituted “means the refusal to grant, renew or vary a licence or the variation or revocation of a licence by the Secretary of State under section 20 of the Chemical Weapons Act 1996**(3)**”.

(2) In rule 1 there shall be inserted, in the appropriate place, the following definition—

““Irish proceedings” means proceedings in relation to an appeal which relates to matters arising in Northern Ireland;”

2.—(1) In rule 6(1) for “and for Scotland” there shall be substituted “, for Scotland and for Northern Ireland”.

(2) In rule 6(2) at the end of sub-paragraph (a) “and” shall be omitted and at the end of sub-paragraph (b) there shall be inserted—

“and

(c) to the panel of chairmen for Northern Ireland, by the Lord Chief Justice of Northern Ireland from members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least seven years standing.”

(3) In rule 6(3) after “the Lord Advocate” there shall be inserted “or in the case of the panel for Northern Ireland, the Lord Chief Justice of Northern Ireland”.

(4) In rule 6(6) at the end of sub-paragraph (b) there shall be inserted—

“and

(c) where the appeal relates to matters arising in Northern Ireland, from the panel of chairmen for Northern Ireland.”

(5) In rule 6(9)(a) for “or the Lord Advocate,” there shall be substituted “, the Lord Advocate or the Lord Chief Justice of Northern Ireland,”.

3. In Rule 23 there shall be inserted at the beginning “Where both the appellant and the Authority agree,”.

4.—(1) In rule 29(1) after “Scotland” there shall be inserted “or in relation to Irish proceedings, in Northern Ireland”.

(2) In rule 29(6)(a) after “Wales” there shall be inserted “or in Northern Ireland”.

5. In rule 30(6)(a) after “Wales” there shall be inserted “or in Northern Ireland”.

6. In rule 31 for “must” there shall be substituted “may”.

7. In rule 32(5) after “Wales” there shall be inserted “or in Northern Ireland”.

8.—(1) In rule 33(2) after “Wales” there shall be inserted “or in Northern Ireland”.

(2) In rule 33(3) the words “to the sheriff” to “under these Rules,” shall be omitted.

(3) In rule 33(4) the words “, the sheriff” shall be omitted.

(4) Paragraph (6) of rule 33 shall be omitted.

(3) 1996 c. 6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adopts the model rules concerning the conduct of appeals set out in Chapter I of the Schedule to the Deregulation (Model Appeal Provisions) Order 1996 (S.I. 1996/1678) for the purposes of section 20(4) of the Chemical Weapons Act 1996 (c. 6) (“the Act”) subject to the modifications specified in the Schedule to the Order.

By virtue of sections 19 and 20 of the Act no person may produce, use or have in his possession for a permitted purpose a Schedule 1 toxic chemical or precursor as defined in section 19(2) of the Act except under the authority of and in accordance with the terms of a licence granted by the Secretary of State. The Order sets out the rules which must be followed if a person wishes to appeal against a refusal by the Secretary of State to grant, renew or vary a licence or against a variation or revocation by him of a licence.