



Chemical Weapons Act 1996

1996 CHAPTER 6

Inspections under Convention

24 Inspections: interpretation

For the purposes of sections 25 to 28—

- (a) the verification annex is the annex on implementation and verification to the Convention;
- (b) a routine inspection is an inspection conducted pursuant to Parts II to IX of that annex;
- (c) a challenge inspection is an inspection conducted pursuant to Parts II and X of that annex;
- (d) an assistance inspection is an inspection conducted pursuant to Parts II and XI of that annex;
- (e) “in-country escort”, “inspector”, “inspection team” and “observer” have the meanings given by Part I of that annex.

25 Rights of entry etc. for purposes of inspections

- (1) If it is proposed to conduct a routine inspection, a challenge inspection or an assistance inspection in the United Kingdom, the Secretary of State may issue an authorisation under this section in respect of that inspection.
- (2) An authorisation under this section shall—
 - (a) contain a description of the area (the specified area) in which the inspection is to be conducted,
 - (b) specify the type of inspection concerned,
 - (c) state the names of the members of the inspection team by whom the inspection is to be carried out, and
 - (d) in the case of a challenge inspection, state the name of any observer who may accompany the team.
- (3) Such an authorisation shall have the effect of authorising the inspection team—

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- (a) to exercise within the specified area such rights of access, entry and unobstructed inspection as are conferred on them by the verification annex, and
 - (b) to do such other things within that area in connection with the inspection as they are entitled to do by virtue of the verification annex (including things concerning the maintenance, replacement or adjustment of any instrument or other object).
- (4) Such an authorisation shall in addition have the effect of—
 - (a) authorising an in-country escort to accompany the inspection team in accordance with the provisions of the verification annex, and
 - (b) authorising any constable to give such assistance as the in-country escort may request for the purpose of facilitating the conduct of the inspection in accordance with the verification annex;and the name of the person in charge of the in-country escort shall be stated in the authorisation.
- (5) An authorisation under this section in the case of a challenge inspection shall in addition have the effect of authorising the observer to exercise within the specified area such rights of access and entry as are conferred on him by the verification annex.
- (6) Any constable giving assistance in accordance with subsection (4)(b) may use such reasonable force as he considers necessary for the purpose mentioned in that provision.
- (7) The occupier of any premises—
 - (a) in relation to which it is proposed to exercise a right of entry in reliance on an authorisation under this section, or
 - (b) on which an inspection is being carried out in reliance on such an authorisation,or a person acting on behalf of the occupier of any such premises, shall be entitled to require a copy of the authorisation to be shown to him by a member of the in-country escort.
- (8) The validity of any authorisation purporting to be issued under this section in respect of any inspection shall not be called in question in any court of law at any time before the conclusion of that inspection.
- (9) Accordingly, where an authorisation purports to be issued under this section in respect of any inspection, no proceedings (of whatever nature) shall be brought at any time before the conclusion of the inspection if they would, if successful, have the effect of preventing, delaying or otherwise affecting the carrying out of the inspection.
- (10) If in any proceedings any question arises whether a person at any time was or was not, in relation to any routine, challenge or assistance inspection, a member of the inspection team or a member of the in-country escort or the observer, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.
- (11) If an authorisation is issued under this section the Secretary of State may issue an amendment varying the specified area, and—
 - (a) from the time when the amendment is expressed to take effect this section shall apply as if the specified area were the area as varied;
 - (b) subsection (8) shall apply to the amendment as it applies to the authorisation;

- (c) the Secretary of State may issue further amendments varying the specified area and in such a case paragraphs (a) and (b) shall apply.

26 Offences in connection with inspections

- (1) If an authorisation has been issued under section 25 in respect of any inspection, a person is guilty of an offence if he—
 - (a) refuses without reasonable excuse to comply with any request made by any constable or a member of the in-country escort for the purpose of facilitating the conduct of that inspection in accordance with the verification annex,
 - (b) interferes without reasonable excuse with any container, instrument or other object installed in the course of that inspection in accordance with the verification annex, or
 - (c) wilfully obstructs any member of the inspection team or of the in-country escort, or the observer, in the conduct of that inspection in accordance with the verification annex.
- (2) Subsection (1)(b) applies to interference which occurs at any time while the container, instrument or other object is retained in accordance with the verification annex.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

27 Privileges and immunities in connection with inspections

- (1) Members of inspection teams and observers shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents in accordance with the following provisions of the 1961 Articles, namely—
 - (a) Article 29,
 - (b) paragraphs 1 and 2 of Article 30,
 - (c) paragraphs 1, 2 and 3 of Article 31, and
 - (d) Article 34.
- (2) Such persons shall, in addition, enjoy the same privileges as are enjoyed by diplomatic agents in accordance with paragraph 1(b) of Article 36 of the 1961 Articles, except in relation to articles the importing or exporting of which is prohibited by law or controlled by the enactments relating to quarantine.
- (3) Samples and approved equipment carried by members of an inspection team shall be inviolable and exempt from customs duties.
- (4) The privileges and immunities accorded to members of inspection teams and observers by virtue of this section shall be enjoyed by them at any time when they are in the United Kingdom—
 - (a) in connection with the carrying out there of a routine inspection, a challenge inspection or an assistance inspection, or
 - (b) while in transit to or from the territory of another party to the Convention in connection with the carrying out of such an inspection there.
- (5) If—

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- (a) immunity from jurisdiction of a member of an inspection team is waived in accordance with the verification annex, and
- (b) a notice made by the Secretary of State and informing the member of the waiver is delivered to him in person,

then, from the time the notice is so delivered, this section shall not have effect to confer that immunity on the member.

- (6) If in any proceedings any question arises whether a person is or is not entitled to any privilege or immunity by virtue of this section, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.

- (7) In this section—

“the 1961 Articles” means the Articles which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 (Articles of Vienna Convention on Diplomatic Relations of 1961 having force of law in United Kingdom);

“approved equipment” and “samples” shall be construed in accordance with the verification annex;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

28 Reimbursement of expenditure

The Secretary of State may reimburse any person in respect of expenditure incurred in connection with a routine inspection, a challenge inspection or an assistance inspection.