



Chemical Weapons Act 1996

1996 CHAPTER 6

Premises for producing chemical weapons etc.

15 Position where no notice can be served.

- (1) For the purposes of this section the qualifying condition is that—
- (a) the Secretary of State has reasonable cause to believe that any equipment or building is a chemical weapons production facility,
 - (b) in the period of six months beginning with the day after he formed his belief it has not been possible to serve a copy of a notice under section 13 because of the circumstances mentioned in subsection (2), and
 - (c) the Secretary of State has drawn up proposals for the destruction or alteration of the equipment or building in a manner specified in the proposals.
- (2) The circumstances are that—
- (a) no person appeared to the Secretary of State to occupy the land on which the equipment or building is situated,
 - (b) if the Secretary of State's belief relates to equipment, no person appeared to the Secretary of State to have the equipment in his possession, and
 - (c) no person appeared to the Secretary of State to have an interest which the Secretary of State believed would be materially affected by the destruction or alteration of the equipment or building.
- (3) If—
- (a) a justice of the peace is satisfied on information on oath that the qualifying condition is fulfilled, or
 - (b) in Scotland a justice, within the meaning of section 307 of the ^{M1}Criminal Procedure (Scotland) Act 1995, is satisfied by evidence on oath that the qualifying condition is fulfilled,
- he may issue a warrant in writing authorising a person acting under the authority of the Secretary of State to take remedial action under this section.
- (4) If a person is authorised by a warrant to take remedial action under this section he may—

Changes to legislation: There are currently no known outstanding effects for the Chemical Weapons Act 1996, Section 15. (See end of Document for details)

- (a) enter the land on which the equipment or building is situated, if necessary by force;
 - (b) do whatever is required to secure that the equipment or building is destroyed or altered in a manner specified in the proposals drawn up by the Secretary of State;
 - (c) take with him such other persons and such equipment as appear to him to be necessary to help him to exercise the powers mentioned in paragraphs (a) and (b).
- (5) The powers conferred on an authorised person under this section shall only be exercisable, if the warrant so provides, in the presence of a constable.
- (6) If anything is done in exercise of the powers mentioned in this section, the Secretary of State may recover from a responsible person any costs reasonably incurred by the Secretary of State in connection with the exercise of those powers; and a responsible person is—
- (a) in the case of equipment, any person in possession of the equipment at the time the land is entered;
 - (b) in the case of a building, any person occupying the land at the time it is entered.

Modifications etc. (not altering text)

C1 [S. 15](#) extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565](#), [art. 4](#), [Sch.](#)

Marginal Citations

M1 [1995 c. 46](#).

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