



# Chemical Weapons Act 1996

## 1996 CHAPTER 6

### *Offences: miscellaneous*

#### **29 Power to search and obtain evidence**

(1) If—

- (a) a justice of the peace 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, or
- (b) in Scotland a justice, within the meaning of section 307 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1995, is satisfied by evidence on oath as mentioned in paragraph (a) above,

he may issue a warrant in writing authorising a person acting under the authority of the Secretary of State 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 them.

(2) A person who enters the premises under the authority of the warrant may—

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

but no woman or girl shall be searched except by a woman.

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*Changes to legislation:* There are currently no known outstanding effects for the Chemical Weapons Act 1996, Cross Heading: Offences: miscellaneous. (See end of Document for details)

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- (3) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a constable.

**Modifications etc. (not altering text)**

- C1** S. 29 extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565, art. 4, Sch.](#)  
**C2** S. 29(2)(c)(d)(e) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\), ss. 50, 138\(2\), Sch. 1 para. 60](#) (with [ss. 52-54, 68](#)); [S.I. 2003/708, art. 2\(a\)](#)

**Marginal Citations**

- M1** 1995 c. 46.

**30 Forfeiture in case of conviction.**

- (1) The court by or before which a person is convicted of an offence under this Act may order that anything shown to the court's satisfaction to relate to the offence shall be forfeited, and either destroyed or otherwise dealt with in such manner as the court may order.
- (2) In particular, the court may order the thing to be dealt with as the Secretary of State may see fit; and in such a case the Secretary of State may direct that it be destroyed or otherwise dealt with.
- (3) Where—
- the court proposes to order anything to be forfeited under this section, and
  - a person claiming to have an interest in it applies to be heard by the court,
- the court must not order it to be forfeited unless he has been given an opportunity to show cause why the order should not be made.

**Modifications etc. (not altering text)**

- C3** [S. 30](#) extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565, art. 4, Sch.](#)

**[<sup>F1</sup>30A [<sup>F2</sup>Revenue and Customs prosecutions]**

- (1) Proceedings for a chemical weapons offence may be instituted [<sup>F3</sup>by [<sup>F4</sup>the Director of Public Prosecutions] or by order of the Commissioners for Her Majesty's Revenue and Customs] if it appears [<sup>F5</sup>to the Director or to the Commissioners] that the offence has involved—
- the development or production outside the United Kingdom of a chemical weapon;
  - the movement of a chemical weapon into or out of any country or territory;
  - any proposal or attempt to do anything falling within paragraph (a) or (b).
- (2) In this section “chemical weapons offence” means an offence under section 2 above or section 50 of the Anti-terrorism, Crime and Security Act 2001 (including an offence of aiding, abetting, counselling, procuring or inciting the commission of, or attempting or conspiring to commit, such an offence).

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- (3) Any proceedings for an offence which are instituted [<sup>F6</sup>by order of the Commissioners] under subsection (1) shall be commenced in the name of an officer [<sup>F7</sup>of Revenue and Customs] , but may be continued by another officer.
- (4) Where the Commissioners <sup>F8</sup>... investigate, or propose to investigate, any matter with a view to determining—
- (a) whether there are grounds for believing that a chemical weapons offence has been committed, or
  - (b) whether a person should be prosecuted for such an offence,
- that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.
- (5) Nothing in this section affects any power of any person (including any officer) apart from this section.
- <sup>F9</sup>(6) .....
- (7) This section does not apply to the institution of proceedings in Scotland.]

**Textual Amendments**

- F1** S. 30A inserted (14.12.2001) by 2001 c. 24, ss. 46, 127(2)(a)
- F2** S. 30A heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(e)**; S.I. 2005/1126, art. 2(2)(h)
- F3** Words in s. 30A(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(a)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F4** Words in s. 30A(1) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 11**
- F5** Words in s. 30A(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F6** Words in s. 30A(3) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(b)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F7** Words in s. 30A(3) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(b)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F8** Words in s. 30A(4) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 64(c)**; S.I. 2005/1126, art. 2(2)(h)
- F9** S. 30A(6) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 64(d), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**Modifications etc. (not altering text)**

- C4** S. 30A(2) modified (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 28** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

**31 Offences: other provisions.**

- (1) Proceedings for an offence under section 2 or 11 shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Attorney General;
  - (b) in Northern Ireland, except by or with the consent of the [<sup>F10</sup>Advocate General for Northern Ireland] .

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*Changes to legislation: There are currently no known outstanding effects for the Chemical Weapons Act 1996, Cross Heading: Offences: miscellaneous. (See end of Document for details)*

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- (2) Proceedings for an offence under any provision of this Act other than section 2 or 11 shall not be instituted except by or with the consent of the Secretary of State; but the preceding provisions of this subsection do not apply to Scotland.
- (3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,
- he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) In subsection (3) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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**Textual Amendments**

- F10** Words in s. 31(1) substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 34](#); [S.R. 2010/113, art. 2, Sch. para. 19\(e\)](#)
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**Modifications etc. (not altering text)**

- C5** S. 31 extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565, art. 4, Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Chemical Weapons Act 1996, Cross  
Heading: Offences: miscellaneous.