



Chemical Weapons Act 1996

1996 CHAPTER 6

Other miscellaneous provisions

32 Disclosure of information

- (1) This section applies to information if—
 - (a) it was obtained under, or in connection with anything done under, this Act or the Convention, and
 - (b) it relates to a particular business or other activity carried on by any person.
- (2) So long as the business or activity continues to be carried on the information shall not be disclosed except—
 - (a) with the consent of the person for the time being carrying on the business or activity,
 - (b) in connection with anything done for the purposes of the Convention,
 - (c) in connection with anything done for the purposes of this Act,
 - (d) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings,
 - (e) in connection with the enforcement of any restriction on imports or exports,
 - (f) in dealing with an emergency involving danger to the public,
 - (g) with a view to ensuring the security of the United Kingdom, or
 - (h) to the International Court of Justice for the purpose of enabling that Court to deal with any dispute referred to it under the Convention.
- (3) The reference to this Act in subsection (2)(c) does not include a reference to section 33.
- (4) A person who discloses information in contravention of this section is guilty of an offence and liable—
 - (a) on summary conviction, to a fine of an amount not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Status: This is the original version (as it was originally enacted).

- (5) Where a person proposes to disclose information to which this section applies in circumstances where the disclosure would by virtue of paragraphs (b) to (h) of subsection (2) not contravene this section, he may disclose the information notwithstanding any obligation not to disclose it that would otherwise apply.

33 Annual reports by Secretary of State

The Secretary of State shall in each calendar year—

- (a) prepare a report on the operation of this Act, and
- (b) lay a copy of the report before each House of Parliament.

34 Service of notices

A notice under any provision of this Act, or a copy of a notice under any such provision, may be served on a person—

- (a) by delivering it to him in person,
- (b) by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom, or
- (c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

35 Amendment of Army, Air Force and Naval Discipline Acts

In each of the following provisions, namely—

- (a) section 70(4) of the Army Act 1955 (civil offences),
- (b) section 70(4) of the Air Force Act 1955 (civil offences), and
- (c) section 48(2) of the Naval Discipline Act 1957 (exclusion of jurisdiction of courts-martial),

after the words “Biological Weapons Act 1974” there shall be inserted “or an offence under section 2 or 11 of the Chemical Weapons Act 1996”.

36 Power to amend this Act

- (1) The Secretary of State may by order make such additions to, omissions from or other modifications to this Act as he considers necessary or desirable to give effect to any amendment of the Convention made in pursuance of its provisions.
- (2) The power to make an order under this section shall, if the order solely modifies the Schedule to this Act, be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make any other order under this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

37 The Crown

- (1) Subject to the following provisions of this section, this Act binds the Crown.

- (2) No contravention by the Crown of a provision made by or under this Act shall make the Crown criminally liable; but the High Court or in Scotland the Court of Session may, on the application of a person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding subsection (2), the provisions made by or under this Act apply to persons in the public service of the Crown as they apply to other persons.
- (4) Nothing in this section affects Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.