



# Chemical Weapons Act 1996

## 1996 CHAPTER 6

### *Chemical weapons*

#### **2 Use etc. of chemical weapons.**

- (1) No person shall—
  - (a) use a chemical weapon;
  - (b) develop or produce a chemical weapon;
  - (c) have a chemical weapon in his possession;
  - (d) participate in the transfer of a chemical weapon;
  - (e) engage in military preparations, or in preparations of a military nature, intending to use a chemical weapon.
- (2) For the purposes of subsection (1)(a) an object is not a chemical weapon if the person uses the object only for permitted purposes; and in deciding whether permitted purposes are intended the types and quantities of objects shall be taken into account.
- (3) For the purposes of subsection (1)(b), (c), (d) or (e) an object is not a chemical weapon if the person does the act there mentioned with the intention that the object will be used only for permitted purposes; and in deciding whether permitted purposes are intended the types and quantities of objects shall be taken into account.
- (4) For the purposes of subsection (1)(d) a person participates in the transfer of an object if—
  - (a) he acquires or disposes of the object or enters into a contract to acquire or dispose of it, or
  - (b) he makes arrangements under which another person acquires or disposes of the object or another person enters into a contract to acquire or dispose of it.
- (5) For the purposes of subsection (4)—
  - (a) to acquire an object is to buy it, hire it, borrow it or accept it as a gift;
  - (b) to dispose of an object is to sell it, let it on hire, lend it or give it.
- (6) In proceedings for an offence under subsection (1)(a), (c) or (d) relating to an object it is a defence for the accused to prove—

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**Changes to legislation:** *Chemical Weapons Act 1996, Section 2 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) that he neither knew nor suspected nor had reason to suspect that the object was a chemical weapon, or
  - (b) that he knew or suspected it to be a chemical weapon and as soon as reasonably practicable after he first so knew or suspected he took all reasonable steps to inform the Secretary of State or a constable of his knowledge or suspicion.
- (7) Nothing in subsection (6) prejudices any defence which it is open to a person charged with an offence under this section to raise apart from that subsection.
- (8) A person contravening this section is guilty of an offence and liable on conviction on indictment to imprisonment for life.

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

- C1** S. 2 extended (with modifications) (Jersey) (21.12.1998) by [S.I. 1998/2565](#), arts. 3, 4, [Sch.](#)  
S. 2 extended (1.4.2000) by [S.I. 2000/743](#), [art. 2](#)  
S. 2 extended (*prosp.*) by [2000 c. 11](#), [ss. 62\(2\)\(c\)](#), 128

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**Changes and effects yet to be applied to :**

- s. 2 by [S.I. 2000/743 art. 2](#)