



# Chemical Weapons Act 1996

## 1996 CHAPTER 6

### *Inspections under Convention*

#### **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—
  - (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;

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*Changes to legislation: There are currently no known outstanding effects for the Chemical Weapons Act 1996, Section 25. (See end of Document for details)*

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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.

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

**C1** S. 25 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, Section 25.