

1998 No. 2565

CHEMICAL WEAPONS

The Chemical Weapons Act 1996 (Jersey) Order 1998

Made 21st October 1998

Coming into force 21st December 1998

At the Court at Buckingham Palace, the 21st day of October 1998

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 3(3) and 39(3) of the Chemical Weapons Act 1996^[1], is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Citation and commencement

1. This Order may be cited as the Chemical Weapons Act 1996 (Jersey) Order 1998 and shall come into force on 21st December 1998.

Interpretation

2. In this Order-

"Jersey" means the Bailiwick of Jersey;

"the Act" means the Chemical Weapons Act 1996.

Application of section 2 of the Act

3. The application of section 2 of the Act, so far as it applies to acts done outside the United Kingdom, shall extend to bodies incorporated under the law of Jersey.

Extension of provisions of the Act to Jersey

4. Sections 1 to 32, 34 to 36, 38 and 39 of, and the Schedule to, the Act, shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N.H. Nicholls

Clerk of the Privy Council

SCHEDULE

Article 4

**EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF
THE CHEMICAL WEAPONS ACT 1996 IN THEIR EXTENSION TO JERSEY**

1. - (1) For "Secretary of State", in each place where it occurs (apart from in sections 27 and 36), substitute "Committee" with (where necessary) the consequential substitution of "it" for "he" or "him".

(2) For "Secretary of State's", in each place where it occurs, substitute "Committee's" with (where necessary) the consequential substitution of "its" for "his".

2. In section 1, after subsection (7), insert-

" (7A) "Committee" means the Harbours and Airport Committee of the States of Jersey; and "police officer" means a member of the Honorary Police or of the States of Jersey Police Force."

3. In section 2(8), omit "on indictment".

4. In section 3-

(a) in subsection (1), for "the United Kingdom" substitute "Jersey";

(b) for subsection (2) substitute-

" (2) So far as it applies to acts done outside Jersey, section 2 applies to United Kingdom nationals and bodies incorporated under the law of Jersey or of any part of the United Kingdom.";

(c) omit subsection (3); and

(d) in subsection (5), for "the United Kingdom", where those words first occur, substitute "Jersey"; and for "any place in the United Kingdom" substitute "Jersey".

5. In section 5-

(a) in subsection (2), for paragraphs (a) and (b) substitute "the Bailiff is satisfied on information on oath that there is reasonable cause to believe that an object is on premises (of whatever nature) and that it is a chemical weapon,"; and

(b) in subsection (6), for "constable" substitute "police officer".

6. In section 7-

(a) in subsection (7), for paragraphs (a) and (b) substitute "the Bailiff is satisfied on information on oath that a warning has been affixed under section 5, and that the Committee has decided at any time in the second six month period that the object should be destroyed,"; and

(b) in subsection (9), for "constable" substitute "police officer".

7. In section 8(2), for "High Court or in Scotland the Court of Session" substitute "Royal Court".

8. In section 9-

(a) in subsection (4), for the words from "liable" to the end substitute "liable on conviction to a fine"; and

(b) in subsection (5), for the words from "liable" to the end substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

9. In section 11(3), omit "on indictment".

10. In section 14-

(a) in subsection (2), for paragraphs (a) and (b) substitute "the Bailiff is satisfied on information on oath that the qualifying condition is fulfilled,"; and

(b) in subsection (4), for "constable", substitute "police officer".

11. In section 15-

(a) in subsection (3), for paragraphs (a) and (b) substitute "the Bailiff is satisfied on information on oath that the qualifying condition is fulfilled,"; and

(b) in subsection (5), for "constable" substitute "police officer".

12. In section 16(3), for "High Court or in Scotland the Court of Session" substitute "Royal Court".

13. In section 17-

(a) in subsection (4), for the words from "liable" to the end, substitute "liable on conviction to a fine"; and

(b) in subsection (5), for the words from "liable" to the end, substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

14. In section 19(3), for the words from "liable" to the end substitute "liable on conviction to a fine".

15. In section 20-

(a) in subsection (2), after "may" insert ", after consultation with the Employment and Social Security Committee of the States of Jersey,";

(b) for subsection (4) substitute-

" (4) The States may make provision by Regulations with respect to appealing against a refusal to grant, renew or vary a licence or against a variation or revocation of a licence.";

(c) omit subsection (5); and

(d) in subsection (6), for the words from "liable" to the end substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

16. In section 21-

(a) in subsection (2), for the words from "liable" to the end substitute "liable on conviction to a fine"; and

(b) in subsection (3), for the words from "liable" to the end substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

17. In section 22-

(a) in subsection (3), for the words from "liable" to the end substitute "liable on conviction to a fine"; and

(b) in subsection (4), for the words from "liable" to the end substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

18. In section 23-

(a) in subsection (1)-

(i) for "regulations", where it first occurs, substitute "an Order"; and

(ii) for "the regulations" substitute "the Order";

(b) in subsection (3), for "regulations are" substitute "an Order is";

(c) in subsection (4)-

(i) for "regulations" substitute "Order"; and

(ii) for the words from "liable" to the end substitute "liable on conviction to a fine";

(d) in subsection (5)-

(i) for "regulations" substitute "Order"; and

(ii) for the words from "liable" to the end substitute "liable to

imprisonment for a term not exceeding two years or to a fine or to both"; and

(e) for subsection (6) substitute-

" (6) The Subordinate Legislation (Jersey) Law 1960 shall apply to an Order made under subsection (1) as if this Act were an enactment for the purposes of that Law."

19. In section 25-

(a) in subsection (1), for "the United Kingdom" substitute "Jersey"; and

(b) in subsections (4) and (6), for "constable" substitute "police officer".

20. In section 26-

(a) in subsection (1)(a), for "constable" substitute "police officer"; and

(b) in subsection (3), for the words from "liable" to the end substitute "liable on conviction to a fine".

21. In section 27-

(a) in subsection (4), for "the United Kingdom" substitute "Jersey"; and

(b) in subsection (7)-

(i) in the definition of "the 1961 Articles", for "Schedule 1 to the Diplomatic Privileges Act 1964" substitute "First Schedule to the Privileges and Immunities (Diplomatic, Consular Etc.) (Jersey) Law 1998"; and for "United Kingdom" substitute "Jersey"; and

(ii) in the definition of "enactment", at the end, add "and an enactment within the meaning of Article 1(1) of the Interpretation (Jersey) Law 1954".

22. In section 29-

(a) in subsection (1), for paragraphs (a) and (b) substitute "the Bailiff 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,"; and

(b) in subsection (3), for "constable" substitute "police officer".

23. In section 31-

(a) for subsection (1) substitute-

" (1) Proceedings for an offence under this Act shall not be instituted except by the Attorney General."; and

(b) omit subsections (2) and (5).

24. In section 32-

(a) in subsection (2)(g), after "United Kingdom" insert "or Jersey"; and

(b) in subsection (4), for the words from "liable" to the end substitute "liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both".

25. In section 34, in paragraph (b), for "the United Kingdom" substitute "Jersey".

26. In section 36, for subsections (2) and (3) substitute-

" (2) The power to make an order under this section shall be exercisable by statutory instrument."

27. In section 38-

(a) in subsection (1), for "Parliament" substitute "the States"; and

(b) in subsection (2), for "Consolidated Fund" substitute "annual income of the States".

28. In section 39, omit subsections (1) to (3).

Notes:

[1] 1996 c. 6.[back](#)

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