

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3567 of 23rd November, 2006

B.39/06

BILL

FOR

AN ORDINANCE to amend the Weapons of Mass Destruction Ordinance 2004.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Ordinance may be cited as the Weapons of Mass Destruction (Amendment) Ordinance 2006 and comes into operation on the day of publication.

Amendments to the Weapons of Mass Destruction Ordinance 2004.

2. The Weapons of Mass Destruction Ordinance 2004 is amended as follows—

(a) by inserting the following section after section 10—

“Import of chemicals.

10A. (1) No person shall import into Gibraltar any chemicals listed in Schedule 1 and Schedule 2 without a prior licence issued by the Government.

(2) A licence may be issued on an application to the Chief Secretary on such conditions as the Government may see fit to impose.

(3) A person who contravenes subsection (1) shall be guilty of an offence and liable on conviction on indictment to

imprisonment for a term not exceeding five years or to a fine or to both.”;

(b) by amending Schedule 4 as follows–

(1) in Part 1, in paragraph 6(a), by substituting the following for sub-paragraphs (viii) to (xiii)–

“(viii) Warehouse storage.

(b) “Plant” (Production facility, Workshop) means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as–

(i) Small administrative section;

(ii) Storage/handling areas for feedstock and products;

(iii) Effluent/waste handling/treatment area;

(iv) Control/analytical laboratory;

(v) First aid service/related medical section; and

(vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.

(c) “Unit” (Production unit, Process unit) means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.”;

(2) in Part IV(A)–

(i) in paragraph 1(b), by substituting the following for sub-paragraphs (iii) to (vi)–

- “(iii) A detailed site diagram, including a boundary map and the location of bunkers/storage areas within the facility.
- (c) The detailed inventory for each chemical weapons storage facility including–
 - (i) Chemicals defined as chemical weapons in accordance with Article II;
 - (ii) Unfilled munitions, sub-munitions, devices and equipment defined as chemical weapons;
 - (iii) Equipment specially designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment specified in sub-subparagraph (ii);
 - (iv) Chemicals specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment specified in sub-subparagraph (ii).”;
- (ii) by deleting at the end of paragraph 49(b) the words “Systematic verification of the destruction of chemical weapons”; and
- (iii) by inserting the following title to paragraph 50–

“Systematic verification of the destruction of chemical weapons.”;

- (3) in Part V–
 - (i) in paragraph 1(h) by substituting the following for sub-paragraph (iii)–
 - “(iii) Whether the facility has been used or modified before entry into force of this Convention for an activity not related to the production of chemical weapons, and if so, information on what modifications have been made, the date such non-chemical weapons related

activity began and the nature of such activity, indicating, if applicable, the kind of product;

(i) A specification of the measures that have been taken by the State Party for closure of, and a description of the measures that have been or will be taken by the State Party to inactivate the facility;”;

(ii) by deleting at the end of paragraph 1(k) the words “Declaration of chemical weapons production facilities pursuant to Article III, paragraph 1(c)(iii)”;

(iii) by inserting the following title to paragraph 2–

“Declaration of chemical weapons production facilities pursuant to Article III, paragraph 1(c)(iii).”;

(iv) by deleting at the end of paragraph 7(f) the words “Submission of annual plans for destruction and annual reports on destruction”;

(v) by inserting the following title to paragraph 8–

“Submission of annual plans for destruction and annual reports on destruction.”;

(vi) in paragraph 65(b), by substituting the following for subparagraph (viii)–

“(viii) The nature of the activity of each other facility operating at the site; and

(c) A detailed explanation of how measures set forth in subparagraph (b), as well as any other measures proposed by the State Party, will ensure the prevention of standby chemical weapons production capability at the facility.”;

(4) in Part VI–

(i) in paragraph 15(b), by substituting the following for subparagraph (vii)–

- “(vii) The quantity stored at the end of the year; and
- (c) Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.”;
- (ii) by deleting at the end of paragraph 16(c) the words “Other facilities referred to in paragraphs 10 and 11”; and
- (iii) by inserting the following title to paragraph 17–
“Other facilities referred to in paragraphs 10 and 11.”;
- (iv) in paragraph 19(b), by substituting the following for subparagraph (vii)–
“(vii) The quantity stored at the end of the year; and
- (c) Information on any changes at the facility or its relevant parts during the year compared to previously submitted detailed technical description of the facility.”;
- (5) in Part VII–
 - (i) in paragraph 7(d) by substituting the following for subparagraph (iii)–
“(iii) Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (e.g. storage); and
 - (e) The production capacity of the plant for each declared Schedule 2 chemical.”;
 - (ii) by deleting at the end of paragraph 8(e)(iv) the words “Declaration on past production of Schedule 2 chemicals for chemical weapons purposes”; and
 - (iii) by inserting the following title to paragraph 9–

“Declaration on past production of Schedule 2 chemicals for chemical weapons purposes.”;

(iv) by deleting at the end of paragraph 15(c) the words “Initial inspections”; and

(v) by inserting the following title to paragraph 16-

“Initial inspections.”;

(6) in Part VIII-

(i) by deleting at the end of paragraph 10(d)(iii) the words “Information to State Parties”; and

(ii) by inserting the following title to paragraph 11-

“Information to State Parties.”; and

(7) in Part XI-

(i) by deleting at the end of paragraph 4 the word “Notification”; and

(ii) by inserting the following title to paragraph 5-

“Notification.”.

EXPLANATORY MEMORANDUM

This Bill amends the Weapons of Mass Destruction Ordinance 2004 in order to impose prohibition on importation of scheduled chemicals and to re-number and re-arrange some provisions in Schedule 4.

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