

S.I. No. 54/2001 — Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations, 2001

STATUTORY INSTRUMENTS

S.I. No. 054 of 2001

Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations, 2001

S.I. No. 054 of 2001

Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations, 2001

I, Tom Kitt, Minister of State at the Department for Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 4 and 12 of the Chemical Weapons Act, 1997 (No. 28 of 1997) (as adapted by the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 305 of 1997)) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order, 1997 (S.I. No. 330 of 1997)), hereby make the following Regulations:

Short Title and Commencement

1. These Regulations may be cited as the Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations, 2001.
2. These Regulations shall come into operation on 23 February, 2001.

Interpretation

3. In these Regulations-

“the Act” means the Chemical Weapons Act, 1997 (No. 28 of 1997) ;

“applicant” means the person who applies for a licence;

“licence” means a licence issued in accordance with Article 6 of these Regulations or as amended in accordance with the terms of these Regulations;

“Scheduled Toxic Chemical or Precursor” means a toxic chemical or precursor listed in the First Schedule to the Act.

Licences for Permitted Purposes

4. (a) A person may produce, use, acquire or possess a Scheduled Toxic Chemical or Precursor in accordance with a licence or subject to conditions which attach to the licence.
- (b) A licence to produce, use, acquire or possess a Scheduled Toxic Chemical or Precursor may be granted to an applicant if the National Authority is satisfied the Scheduled Toxic Chemical or Precursor shall be applied for research, medical, pharmaceutical or protective purposes.

Application for Licences

5. (1) A person may in accordance with these Regulations apply to the National Authority for a licence to produce, use, acquire or possess a Scheduled Toxic Chemical or Precursor.

(2) Every application for a licence shall state -

- (a) the name and address of the applicant,
- (b) the name or names of each Scheduled Toxic Chemical or Precursor which the applicant proposes to produce, use, acquire or possess,
- (c) the nature and purpose of the proposed activities involving the Scheduled Toxic Chemical or Precursor,
- (d) the location at which those proposed activities will be carried out,
- (e) the safety systems and security systems in place at those locations, and
- (f) the quantities of each Scheduled Toxic Chemical or Precursor that the applicant proposes to produce, use, acquire or possess.

(3) The National Authority may by notice in writing request such additional information from the applicant as it thinks fit.

(4) A person who has not attained the age of 18 years shall not be eligible to apply

for a licence.

Granting of Licences

6. (1) The National Authority may-

- (a) grant or refuse an application for a licence,
- (b) attach conditions to the licence relating to production, use, acquisition, possession of a Scheduled Toxic Chemical or Precursor,
- (c) attach conditions as to the expiry or cancellation of the licence, or
- (d) cancel the licence by serving a notice in writing to that effect on the holder of the licence.

for such reasons as the National Authority consider are necessary or expedient to give effect to these Regulations, the Act and the Convention.

(2) The duration of the validity of the licence shall be as is specified by the National Authority in the licence, but shall not in any case exceed three years.

7. (1) Where the National Authority refuses to grant a licence to an applicant or attaches conditions to a licence which are not satisfactory to the applicant, the applicant may within 7 days of being notified of the decision, request in writing from the National Authority details of the grounds on which they have refused to grant the licence or to have attached the conditions.

(2) The National Authority shall within 21 days of the receipt of the request deliver to the applicant a statement in writing specifying details of the grounds on which they have refused to grant the licence or attached the conditions.

(3) The applicant may, within 21 days or such further time as the High Court may allow, of the receipt of the details from the National Authority, appeal to the High Court from the decision of the National Authority to refuse the licence or to attach the conditions.

(4) On the hearing of an appeal from a decision of the National Authority under Article 7 (3) the High Court may -

- (a) direct the National Authority to grant the licence and the National Authority shall grant the licence accordingly,
- (b) attach conditions to the licence, or
- (c) revoke or vary a condition attached to the licence,

as may be appropriate.

(5) A decision of the High Court under this Regulation shall be final except that, by leave of the High Court, an appeal shall lie to the Supreme Court on a question of law.

GIVEN under my Hand,

this 23rd day of February, 2001

TOM KITT, TD.

Tom Kitt

Minister of State at the Department of
Enterprise, Trade and Employment

Explanatory Note

(This Note is not part of the Instrument and does not purport to be a legal interpretation).

The purpose of these Regulations is to establish a licensing system relating to the production, use, acquisition, or possession of a toxic chemical or precursor listed in the First Schedule to the Chemical Weapons Act, 1997 (No. 28 of 1997) , in accordance with the provisions of sections 4 and 12 of that Act.

Under the Regulations licences would be issued for a maximum period of three years or for such shorter period as might be specified by the Authority in the licence. The Regulations include appeal provisions to the High Court against a decision by the Authority relating to a licence application.

Published by the Stationery Office, Dublin, 8.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas