

**THE PROHIBITION OF THE DEVELOPMENT,
PRODUCTION, STOCKPILING AND USE OF
CHEMICAL WEAPONS BILL, 2007**

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ACT

No. 2 of 2007

Date of Assent: 12th April, 2007

An Act to establish the *Zambian National Authority on the Chemical Weapons Convention* and define its powers and functions; to prohibit the development, production, stockpiling and use of chemical weapons; to provide for the destruction of chemical weapons; to give effect to the *Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13th January, 1993*; and to provide for matters connected with or incidental to the foregoing.

[13th April, 2007

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the *Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons Act, 2007*, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title
and
commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“ Authority ” means the *Zambia National Authority on the Chemical Weapons Convention* established by section *four*;

“ chemical weapons ” means the following, together and separately:

(a) toxic chemicals and their precursors, except where intended for purposes not prohibited under this Act, as long as the types and quantities are consistent with such purposes;

(b) munitions and devices, specifically designed to cause

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death or other harm through the toxic properties of those toxic chemicals specified in paragraph (a), which would be released as a result of the employment of such munitions and devices; and

(c) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (b);

“chemical weapons production facility” means—

(a) any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946—

(i) as part of the stage in the production of chemicals (“final technological stage”) where the material flows would contain, when the equipment is in operation-

(A) any Schedule 1 chemical listed in the First Schedule; or

(B) any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under the Convention, but can be used for chemical weapons purposes; or

(ii) for filling chemical weapons, including, *inter alia*, the filling of Schedule 1 chemicals into munitions, devices or bulk storage containers, the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices; but does not include—

(A) any facility having a production capacity for synthesis of

chemicals specified in subparagraph (i) that is less than 1 tonne;

- (B) any facility in which a chemical specified in subparagraph (i) is or was produced as an unavailable by-product of activities for purposes not prohibited under the Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Verification Annex; or
- (C) the single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under the Convention as referred to in Part VI of the Verification Annex; and

“ facility ” shall be construed accordingly;

“ Convention ” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13 January, 1993;

“ consumption of a chemical ” means its conversion into another chemical via a chemical reaction;

“ customs officer ” has the meaning assigned to it by the Customs and Excise Act;

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“ design capacity ” in relation to production capacity, means the corresponding theoretically calculated product output;

“ Director ” means the person appointed as Director of the Authority under section *seven*;

“ export ” means the transfer of toxic chemicals or their precursors from the Republic of Zambia to any place outside Zambia, or causing a toxic chemical or its precursor to be so transferred, whether or not in exchange for currency or any other commodity or benefit;

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- “import” means to bring toxic chemicals or their precursors into any part of the Republic of Zambia whether or not in exchange for currency or any other commodity or benefit;
- “information” means any record regardless of form or medium;
- “key component of binary or multicomponent chemical systems” (hereinafter referred to as ‘a key component’) means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system;
- “member” means a member of the Authority;
- “name plate capacity” in relation to production capacity, means the product output under conditions optimised for maximum quantity for the production facility, as demonstrated by one or more test-runs;
- “OPCW” means the Organisation for the Prohibition of Chemical Weapons established pursuant to Article VIII of the Convention;
- “officer” has the meaning assigned to it under sub section (3) of section *seven*;
- “person” means a natural or juristic person and includes a natural or juristic person of Zambian nationality;
- “precursor” means—
- (a) any chemical reactant, which takes part at any stage in the production by whatever method of a toxic chemical and includes any key component of a binary or multi- component chemical system; and
 - (b) precursors which have been identified for the application of verification measures by the OPCW and are listed in the First, Second and Third Schedules;
- “premises” means any land, building or structure and includes a vehicle, vessel, aircraft or any other means of conveyance;
- “production capacity” means the annual quantitative potential for manufacturing a specific chemical based on the technology process actually used or, if the process is not yet operational, planned to be used at the relevant facility

- and shall be deemed to be equal to the name plate capacity or, if the name plate capacity is not available, to the design capacity;
- “processing of a chemical ” means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
- “production of a chemical ” means its formulation through chemical reaction;
- “purposes not prohibited under the Convention ” means—
- (a) industrial, agricultural, research, medical, mineral processing, education, pharmaceutical or other peaceful purposes;
 - (b) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
 - (c) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; and
 - (d) law enforcement including domestic riot control purposes;
- “riot control agent ” means any chemical not listed in the First, Second or Third Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects, with no lasting, long term effects and which disappear within a short time following termination of exposure;
- “Schedule 1 chemicals ” means the chemicals set out in Schedule 1 to the Convention and which are listed in the First Schedule;
- “Schedule 2 chemicals ” means the chemicals set out in Schedule 2 to the Convention and which are listed in the Second Schedule;
- “Schedule 3 chemicals ” means the chemicals set out in Schedule 3 to the Convention and which are listed in the Third Schedule;
- “toxic chemical ” means any chemical, which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to plants, animals, humans or the environment and includes all such chemicals, regardless of their origin or their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere; and

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“ Verification Annex ” in relation to the Convention, means the Annex on Implementation and Verification.

- Application **3.** (1) This Act applies to —
- (a) all Zambian citizens within and outside Zambia or a Zambian or foreign registered vehicle; and
 - (b) all foreign persons living, and all foreign firms and companies operating, in the Republic of Zambia.
- (2) For purposes of this section, “ vehicle ” means any conveyance used on land, on the sea or in the air.

PART II

**THE ZAMBIA NATIONAL AUTHORITY ON THE CHEMICAL WEAPONS
CONVENTION**

- Establishment
of National
Authority **4.** (1) There is hereby established the Zambia National Authority on the Chemical Weapons Convention, which shall be responsible for the enforcement of this Act.

(2) The Authority shall be a unit based in the Ministry responsible for foreign affairs and shall be under the control and supervision of the Minister responsible for foreign affairs.

(3) The expenses of the Authority shall be charged upon and issued out of the general revenues of the Republic.

- Constitution
of
Authority **5.** (1) There is hereby constituted the National Authority, which shall consist of the following part-time members appointed by the Minister:

- (a) a representative of the Ministry responsible for foreign affairs, who shall be the Chairperson;
- (b) a representative of the Ministry responsible for defence, who shall be the Vice- Chairperson;
- (c) a representative of the Ministry responsible for home affairs;
- (d) a representative of the Inspector- General of Police;
- (e) a representative of the Ministry responsible for science and technology;
- (f) a representative of the Ministry responsible for health;
- (g) a representative of the Ministry responsible for commerce, trade and industry;

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- (h) a representative of the Ministry responsible for agriculture;
- (i) a representative of the Ministry responsible for mines;
- (j) a representative of the Ministry responsible for information and broadcasting services;
- (k) a representative of the Attorney-General;
- (l) a representative of the Office of the President;
- (m) a representative of the Environmental Council of Zambia;
- (n) a representative of the Zambia Revenue Authority;
- (o) a representative of the Chemistry Department of the University of Zambia;
- (p) a representative of the National Institute for Scientific and Industrial Research; and
- (q) the Director.

(2) The following persons may be invited to attend meetings of the Authority but they shall have no vote:

- (a) a representative of the United Nations Development Programme;
- (b) a representative of the International Committee of the Red Cross;
- (c) a representative of any organisation which campaigns against the use of chemical weapons; and
- (d) a representative of the Zambia Chamber of Commerce and Industry.

(3) Subject to subsection (4), a member of the Authority shall hold office for a period of three years from the date of appointment but may be eligible for re-appointment for a further term of three years.

(4) The office of a member shall become vacant—

- (a) if that member is absent without reasonable excuse from three consecutive meetings of the Authority of which the member had notice;
- (b) upon the member's death;
- (c) if the member is adjudged bankrupt;
- (d) on a member ceasing to hold office by virtue of which the member was appointed;

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- (e) if the member becomes mentally or physically incapable of performing the duties of a member of the Authority; or
- (f) if the member is convicted of an offence under any written law and sentenced therefor to imprisonment for a term exceeding six months.

(5) Where a vacancy occurs in terms of subsection (4), the Minister may appoint a new member in accordance with subsection (1), to hold office for the unexpired part of the outgoing member's term.

(6) A member of the Authority shall be paid such allowances as the Minister may determine.

(7) Subject to the other provisions of this Act, the Authority may regulate its own procedure.

(8) The Authority shall meet for the transaction of business at least once in every three months at such places and times as the Chairperson may determine.

(9) The quorum at any meeting of the Authority shall be nine members of the Authority.

(10) There shall preside at any meeting of the Authority—

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson;
or
- (c) in the absence of both the Chairperson and the Vice Chairperson, such member as the members present may elect from among their number for the purposes of that meeting.

(11) The determination of any matter before the Authority shall be according to the votes of the majority of the members present and considering the matter.

(12) The Authority may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the Authority but such person shall have no vote.

(13) The Authority shall cause minutes to be kept of the proceedings of every meeting of the Authority.

(14) The Minister shall assign persons employed at the Ministry responsible for foreign affairs to perform such secretarial and administrative functions in connection with the Authority as may be necessary for the performance of its functions.

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6. (1) The National Authority shall perform its functions so as to effectively attain the objectives of this Act. Functions of
Authority

(2) Notwithstanding the generality of subsection (1), the functions of the Authority are to—

- (a) formulate and review policy on the prohibition of chemical weapons;
- (b) operate as the National Authority for the Republic of Zambia, so as to fulfill Zambia's obligations under the Convention, and to serve as the national focal point for effective liaison with the OPCW and other States Parties to the Convention ;
- (c) supervise and monitor the enforcement of this Act through the regime established by this Act and the regulations made under it;
- (d) gather the data to be reported in the initial and annual declarations to the OPCW and to report such data to the OPCW;
- (e) supervise the national implementation and enforcement of the Convention;
- (f) provide the OPCW and other States Parties with relevant data and information in fulfilment of the Republic of Zambia's obligations under the Convention;
- (g) protect confidential information received from the OPCW, other States Parties, or persons in the course of implementing the Convention and this Act and develop and institute the procedures to protect such confidential information;
- (h) to perform any other tasks assigned to it by appropriate authorities; and
- (i) to provide advice and any required information to the Minister and other appropriate authorities.

(2) The National Authority may appoint a technical committee to advise it on any matter relating to this Act or the Convention.

(3) The Minister may, on the advice of the Authority by statutory order, appoint any person to advise the Minister on any matter relating to this Act.

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Director and
other public
officers

7. (1) There shall be a Director for the Authority who shall be a public officer appointed by the Public Service Commission.

(2) The Director shall, subject to the general or specific directions of the Minister—

(a) be responsible for the administration of the Authority;

(b) be responsible to the Minister for matters concerning the Convention; and

(c) exercise the functions conferred or imposed upon the Director by or under, this Act.

(3) There shall be appointed by the Public Service Commission such other officers as shall be necessary to assist the Director in the performance of the Director's functions under this Act:

Provided that an officer from —

(a) the armed forces;

(b) the Zambia Police Force;

(c) the Customs Division of the Zambia Revenue Authority;
or

(d) the Public Service;

may be seconded to the Authority.

(4) Any function conferred by or under this Act on the Director may be performed by any person acting as Director if the Director is unable to perform any function due to any cause.

(5) There shall be paid —

(a) to an officer who is injured; or

(b) in respect of the estate of an officer who dies;

in the course of duty under this Act, such compensation as the Minister may, on the recommendation of the Authority, by statutory instrument, determine.

PART III

PROHIBITIONS

- 8.** (1) A person shall not ever or under any circumstances —
- (a) develop, produce, otherwise acquire, stockpile or retain a chemical weapon;
 - (b) transfer directly or indirectly, a chemical weapon to any person;
 - (c) use or deal in any manner with a chemical weapon;
 - (d) engage in any military preparations to use chemical weapons;
 - (e) assist, encourage or induce, in any way, a person to engage in any activity prohibited to a State Party under the Convention;
 - (f) use a riot control agent as a method of warfare; or
 - (g) engage in any other activity prohibited to a State Party under the Convention.

Prohibition
of
development,
production,
etc. of
chemical
weapons

(2) Any person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.

(3) If a chemical weapon is developed, produced, otherwise acquired, stockpiled, retained, or transferred in contravention of this Act, such chemical weapon—

- (a) shall be forfeited to the State;
- (b) may be seized without warrant by any officer of the State; and
- (c) shall be stored pending disposal, and shall be disposed of, in accordance with this Act.

9. (1) Any court may, with the written consent of the Director of Public Prosecutions, try a person for an offence under this Act, notwithstanding the fact that the act or omission to which the charge relates was committed outside Zambia.

Jurisdiction
of courts

(2) For the purposes of conducting trials within Zambia, criminal proceedings may be instituted for any act prohibited in terms of this Act that is committed outside Zambia and the offence shall be deemed as having been committed in Zambia.

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(3) Notwithstanding the provisions of any written law to the contrary, any magistrate's court of the First Class and above has jurisdiction to impose any penalty provided for in terms of this Act.

Prohibitions
relating to
Schedule 1
chemicals

10. (1) No person shall—

- (a) produce, acquire, retain or use Schedule 1 chemicals outside the territory of the Republic of Zambia unless such production, acquisition, retention or use takes place within the territory of another State Party;
- (b) produce, acquire, retain, transfer or use Schedule 1 chemicals unless licensed by the Authority under the licensing scheme for Schedule 1 chemicals;
- (c) transfer Schedule 1 chemicals to the Republic of Zambia or outside the territory of the Republic of Zambia from or to a State not Party to the Convention;
- (d) transfer Schedule 1 chemicals to a person in another State party without notifying the Authority at least sixty days before the transfer:

Provided that notwithstanding the provisions of this subparagraph, notification of the transfer of saxitoxin shall be made not less than twenty-four hours before the time of transfer, if the transfer is for medical or diagnostic purposes and the quantity is five milligrams or less; and

(e) retransfer to a third State chemicals transferred to the Republic of Zambia.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.

Prohibitions
relating to
Schedule 2
chemicals

11. (1) A person shall not transfer to, or receive from a person in a State not party to the Convention, Schedule 2 chemicals or products containing such chemicals, except as stipulated in subsection (2).

(2) Subsection (1) shall not apply to those products containing Schedule 2 chemicals in which—

- (a) the product contains one percent or less of a Schedule 2 chemical listed in Part A of the Second Schedule;
- (b) the product contains ten percent or less of a Schedule 2 chemical listed in Part B of the Second Schedule; or

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(c) the product is identified as a consumer good packaged for retail sale, for personal use or for individual use.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction, to a fine of not less than two hundred thousand penalty units but not exceeding five hundred thousand penalty units or to imprisonment for a term of not less than five years but not exceeding twenty years, or to both.

12. (1) No person shall transfer to a person in a State not party to the Convention a Schedule 3 chemical listed in the Third Schedule or a mixture containing such chemicals in excess of thirty percent in weight, without first receiving an end-user certificate from the competent government authority of the State not party.

Prohibitions
relating to
Schedule 3
chemicals

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than five years but not exceeding twenty years.

(3) An end-user certificate referred to in subsection (1) shall contain, at a minimum—

(a) a statement that the Schedule 3 chemicals will only be used for purposes not prohibited under the Convention;

(b) a statement that the Schedule 3 chemicals will not be re-transferred;

(c) the types and quantities of the Schedule 3 chemicals to be transferred;

(d) the particulars of the end-user or users of the Schedule 3 chemicals to be transferred; and

(e) the names and addresses of the Schedule 3 chemicals end-users.

(4) With regard to paragraph (d) and (e) of sub section (3), in the event that the chemical transfer is to an importer in a State not Party to the Convention, and such importer is not the actual end-user, the importer shall be obliged to specify the names and addresses of the end-users for the purposes of subsections (1) and (3).

PART IV

LCENSING

Schedule 1
chemicals

13. (1) A person shall not produce, acquire, retain, transfer or use a Schedule 1 chemical listed in the First Schedule for a permitted purpose except under and in accordance with the conditions of a licence granted by the Authority in accordance with section *sixteen*.

(2) Any person who produces, acquires, retains, transfers or uses a Schedule 1 chemical for a purpose other than a permitted purpose commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.

Schedules 2
and 3
chemicals
and
unscheduled
discrete
organic
chemicals

14. (1) A person shall not —

(a) produce, process or consume more than one kilogram of BZ: Quinuclidinyl benzilate, a Schedule 2 chemical which is listed in Part A of the Second Schedule, per year for a permitted purpose;

(b) produce, process or consume more than one hundred kilograms of any other Schedule 2 chemical listed in Part A of the Second Schedule per year for a permitted purpose;

(c) produce, process or consume more than one tonne of a Schedule 2 chemical listed in Part B of the Second Schedule per year for a permitted purpose;

(d) produce more than three tonnes of a Schedule 3 chemical listed in the Third Schedule per year for a permitted purpose; or

(e) produce by synthesis more than two hundred tonnes of unscheduled discrete organic chemicals or more than thirty tonnes of an unscheduled discreteorganic chemical containing the elements phosphorous, sulphur or flourine;

except under and in accordance with the conditions of a licence granted by the Authority under section *sixteen*.

(2) Any person who, as the case may be, produces, processes or uses a Schedule 2 or Schedule 3 chemical for a purpose other than a permitted purpose commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than twenty years and may be liable to imprisonment for life.

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(3) In section *thirteen* and this section “ permitted purpose ” means—

(a) in the case of a Schedule 1 chemical, research, medical, pharmaceutical or protective purpose; or

(b) in the case of any other toxic chemical or precursor—

(i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of a chemical as a method of warfare; or

(iv) law enforcement including domestic riot control purposes.

15. (1) A person shall not import or export a Schedule 2 or Schedule 3 chemical except under and in accordance with the conditions of a licence granted by the Authority in accordance with section *sixteen*.

Import and export of Schedules 2 and 3 chemicals

(2) Any person who imports or exports a Schedule 2 or Schedule 3 chemical in contravention of subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

16. (1) An application for a licence to do any of the acts referred to in sections *thirteen* and *fourteen* and for the purposes of section *fifteen* shall be made to the Director in the prescribed form.

Application for licence

(2) The Minister may, on the recommendation of the Authority, by statutory instrument, make regulations prescribing —

(a) the manner of application for a licence;

(b) the form and duration of a licence;

(c) the terms and conditions upon which, and the circumstances in which, a licence may be granted, held, suspended, cancelled, extended, renewed or replaced;

(d) the exemptions from licensing; and

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(e) the fees payable in respect of a licence issued under this Act.

PART V

INSPECTIONS

- Interpretation **17.** In this Part, unless the context otherwise requires—
- “ compliance purpose ” means—
- (a) determining whether the provisions of this Act and any regulations made under it have been or are being complied with at any premises;
 - (b) determining whether the conditions applicable to a licence have been or are being complied with by the holder of a licence; or
 - (c) ensuring the proper functioning at any premises of any monitoring equipment installed in the course of an OPCW inspection or under a facility agreement between the Republic of Zambia and the OPCW;
- “ inspection power ” means power to—
- (a) search any premises;
 - (b) inspect or examine a matter or thing;
 - (c) take samples of a matter or thing;
 - (d) measure a matter or thing;
 - (e) examine a document, including a record kept in accordance with the requirements of this Act, any regulations made under it, or the conditions of a licence;
 - (f) take extracts from, or make copies of, a document;
 - (g) interview any person working on the premises, including making sound recordings of such interviews;
 - (h) have any equipment, including electronic equipment, located at the premises operated by the site personnel, provided safety regulations in force at the location permit doing so;
 - (i) operate any photographic video-recording equipment anywhere in or around the premises provided safety regulations in force at the location permit doing so; and

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(j) do anything that is necessary or expedient for the carrying out of any of the acts referred to in paragraphs (a) to (i), including restricting or prohibiting the access of persons and vehicles to or from the premises; and

“observer” means an observer referred to in Article IX (12) of the Convention, and includes any person authorised by the Minister to observe the inspection.

18. (1) The purpose of this Part is to—

Purpose of
this Part

(a) facilitate inspections by national or OPCW inspectors for a compliance purpose; and

(b) facilitate inspections by OPCW inspectors in accordance with this Act and the Convention and any facility agreement between the Republic of Zambia and the OPCW.

19. (1) The Minister may, in writing, appoint persons to be national inspectors.

National
inspections

(2) The Minister shall issue to every inspector appointed under subsection (1) a certificate of appointment identifying the officer by name, indicating the officer’s status and authority to conduct an inspection and setting out such other information and any conditions attached to the officer’s duties or powers.

(3) Where a national inspection is carried out —

(a) any person appointed pursuant to subsection (1) shall be a national inspector for the purposes of this Act;

(b) a national inspector may—

(i) with the consent of the person in control of any premises; or

(ii) under a warrant issued under this Act in respect of any premises;

enter the premises and exercise, on or in the premises, any inspection power for a compliance purpose.

20. (1) An OPCW inspector may—

OPCW
Inspections

(a) with the consent of the person in control of any premises—

(i) in respect of which any provision of Parts IV to IX of the Verification Annex to the Convention applies;

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(ii) that is subject to an on-site challenge inspection referred to in Article IX(8) of the Convention;
or

(iii) in respect of which an investigation under Article X(9) of the Convention has been initiated; or

(b) under a warrant issued under this Act in respect of the premises;

enter and inspect the premises.

(2) The inspection referred to in subsection (1) shall be conducted pursuant to the provisions of Part II of the Verification Annex to the Convention.

(3) Where the provisions of Part II of the Verification Annex to the Convention differ from the provisions of Parts IV to IX of the Verification Annex relating to specific types of inspections, the provisions of Part IV to IX of the Verification Annex shall prevail.

(4) An inspector may, in connection with any inspection under this section, exercise any power and perform any function contemplated by Part II of the Verification Annex to the Convention.

(5) Where an inspection under this section involves a facility, the inspection shall be conducted in accordance with an agreement, if any, between the Republic of Zambia and the OPCW.

Persons who
may
accompany
OPCW
inspectors

21. (1) In order to facilitate an inspection, an OPCW inspector may be accompanied by one or more of the following persons:

(a) an observer; or

(b) a national inspector.

(2) A national inspector may exercise any inspection power for the purposes of facilitating an inspection referred to in this Act.

Minister
may issue
directions

22. (1) The Minister may, by notice in writing, issue directions to any person for the purpose of facilitating any inspection under this Act.

(2) Any person who fails to comply with any direction given by the Minister commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand penalty units, or in default of payment, to imprisonment for a term not exceeding six months.

Identification
certificates

23. (1) The Minister may issue a certificate identifying an OPCW inspector or any officer who may accompany an OPCW inspector.

(2) The certificate referred to in subsection (1) shall—

(a) identify the OPCW inspector by name and indicate the

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inspector's status and authority to conduct an inspection in Zambia;

(b) state that the OPCW inspector enjoys the privileges and immunities under Article VI of the Convention on Privileges and Immunities of the United Nations, adopted on 13th February, 1964; and

(c) set out such other information and any conditions attached to the OPCW inspector's activities, duties and powers in Zambia as the Minister considers necessary.

24. (1) A national inspector, or the Director on behalf of an OPCW inspector, may apply for a warrant where the consent of the person in control of any premises to enter the premises to exercise any inspection power for a compliance purpose cannot be obtained or where the person refuses to give such consent. Warrant for national or OPCW inspection

(2) Subject to subsection (3), a magistrate who, on an application, is satisfied that there are reasonable grounds for believing —

(a) that entry to any premises by an OPCW inspector or national inspector is necessary to exercise any inspection power for a compliance purpose; and

(b) the consent of the person who is in control of the premises cannot be obtained or such consent has been refused;

may issue, unconditionally or subject to such conditions as the magistrate may impose, a warrant authorising the entry of the premises, at any time within fourteen days of the issue of such warrant, or within such further time as may be specified in the warrant, by the national or OPCW inspector for the purpose of exercising any inspection power for a compliance purpose.

(3) The national inspector or the Director before applying for a warrant shall —

(a) first make reasonable inquiries as to whether any other applications for such a warrant have been made in respect of the premises concerned, and, if so, as to the following matters:

(i) the offence or offences, if any, alleged in respect of the application, and

(ii) the results of each application; and

(b) disclose on the application for the warrant the results of the inquiries.

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- Obligations of national or OPCW inspector
- 25.** (1) Every national or OPCW inspector—
- (a) shall carry the identification certificate issued to the inspector under section *nineteen* or *twenty-three*, as the case may be;
 - (b) shall produce the identification certificate to any person appearing to be in charge of any premises entered—
 - (i) on entering the premises, if such a person is present; and
 - (ii) at any reasonable time afterwards, if asked to do so by the person;
 - (c) shall have any warrant issued under section *twenty-four* authorising entry to the premises and produce it if required to do so; and
 - (d) as soon as is practicable after completing the inspection, give the occupier or the person in control of the premises a written notice stating that the premises have been entered:
 - Provided that if at any time between the time of entry of any premises to be inspected and the time the inspection is completed, there is no person appearing to be in control of the premises, the notice, which shall be left in a conspicuous place on the premises, shall specify—
 - (i) the time and date of entry;
 - (ii) the circumstances and purpose of entry; and
 - (iii) the name of every person entering; and
 - (e) if anything is seized, shall ensure that any occupier or person in charge of the premises is given a written inventory of all things seized.
- (2) If an inspector who is not a member of the police discovers any offence or suspected offence under this Act as a result of an inspection, the inspector shall report that offence or suspected offence to the police as soon as practicable after the completion of that inspection.

- Obstruction of inspector
- 26.** (1) Any person who obstructs, hinders, resists, or deceives any national inspector or OPCW inspector who is in exercise of any function contemplated, or any power provided for, in this section or in the Convention or in any applicable facility agreement, commits

an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(2) Nothing in subsection (1) applies to a refusal to give consent to entry by an OPCW inspector who is not acting pursuant to a search warrant issued under section *twenty-four*.

PART VI

PRIVILEGES AND IMMUNITIES OF MEMBERS OF OPCW INSPECTIONS MISSIONS

27. (1) Members of an OPCW inspection team and observers shall enjoy—

- (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the carrying out of their functions under this Act or the Convention;
- (b) the like immunity from personal arrest or detention and the like inviolability for all papers and documents as, in accordance with the 1961 Articles, are accorded to a diplomatic agent; and
- (c) the like exemptions and privileges in respect of their personal baggage as, in accordance with Article 36 of the 1961 Articles, are accorded to a diplomatic agent.

Privileges
and
immunities
of members
of OPCW
inspection
teams

(2) The immunities, privileges and exemptions accorded to OPCW inspectors by virtue of paragraphs (b) and (c) of subsection (1) shall be enjoyed by them at any time when they are in Zambia—

- (a) for the purpose of carrying out in Zambia any functions of the OPCW inspection team; or
- (b) while in transit to, or from, a country or territory in connection with the carrying out, in that country or territory, of any of the functions of the OPCW inspection team.

(3) If any of the immunities, privileges or exemptions accorded to a member of an OPCW inspection team under this section is waived in any particular case by the Secretary General of the United Nations, this section shall have effect in that case as if it did not confer that immunity, privilege or exemption on that member of the inspection team.

(4) If in any proceedings a question arises whether a person is or not entitled to any immunity, privilege or exemption by virtue of this section, a certificate issued by or under the authority of the Minister stating any fact relating to that question shall be conclusive evidence of that fact.

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Cap. 20 (5) In this section “ the 1961 Articles ” means the Articles of the Vienna Convention on Diplomatic Relations 1961 which are set out in the First Schedule to the Diplomatic Immunities and Privileges Act.

(6) In addition to those privileges and immunities granted in subsection (1), members of OPCW inspection teams and observers shall —

(a) have the right to use codes for their communications with the Technical Secretariat of the OPCW;

(b) be permitted to bring into the territory of the Republic of Zambia, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the importing or exporting of which is prohibited by law or controlled by quarantine regulations; and

(c) be accorded the same currency and exchange facilities as are accorded to representatives of foreign governments on temporary official missions in the Republic of Zambia.

(7) Samples and approved equipment carried by members of an OPCW inspection team shall be inviolable and exempted from customs duties.

(8) Members of OPCW inspection teams and observers shall not engage in any professional or commercial activity for personal profit in the Republic of Zambia.

PART VII

INFORMATION AND DOCUMENTS

Information and documents **28.** Any person who, as the case may be, develops, produces, or otherwise acquires, possesses, retains, transfers or uses toxic chemicals or their precursors to which any provision in Parts VI to IX of the Verification Annex of the Convention applies shall—

(a) notify the chemicals and, as the case may be, the facility or plant site to the Authority within sixty days after the commencement of this Act, by giving written notice to the Director in a form approved by the Authority and containing such information as may be required by the Authority;

(b) notify the Director about their dealings with chemicals that facilitate the making of the Republic of Zambia’s annual declarations under the Convention to the OPCW;

(c) keep records in relation to the chemicals and facility or plant site in a form approved by the Authority and the use to which the chemicals are put.

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(d) prepare from those records, annual reports relating to such chemicals, facility or plant site in a form prescribed by the Minister, by regulations, on the recommendation of the Authority; and

(e) send the annual reports to the Authority at intervals specified in the regulations made under this Act.

(2) The records and reports referred to in paragraphs (c) and (d) of subsection (1) shall be sufficient to enable the Minister determine whether the Convention and the provisions of this Act are being complied with.

(3) Every person who, without reasonable excuse, refuses or fails to comply with subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand penalty units, or to imprisonment for a term not exceeding five years, or to both.

29. (1) The Director may, by notice in writing given to a person, require the person to give the Director such information as is specified in the notice, within such reasonable period and in such manner as is specified in the notice.

Director
may require
information

(2) Information required by a notice under subsection (1) shall be given, in writing, and—

(a) if given by a natural person, shall be signed by the person;
or

(b) if given by a body corporate, shall be signed by an officer authorised to sign on behalf of the body corporate.

(3) The Director may, by notice in writing, given to a person, require the person to give to the Director a particular document or documents of a particular kind, specified in the notice and related to matters regulated by this Act and the Convention, within such reasonable period as shall be specified in the notice.

(4) The power of the Director under this section to require a person to give information or documents to the Director shall be in addition to any obligation to give information or documents that the person may have under section *twenty-eight*.

(5) This section applies if the Director considers that any person is capable of giving information that is relevant to—

(a) a report or clarification required to be given by Zambia to the Secretary General of the United Nations under the Convention; or

(b) the implementation of the Convention or the enforcement of this Act.

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Failure to supply information **30.** Any person who, without reasonable excuse, fails to comply with a notice under section *twenty-nine* commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand penalty units, or to imprisonment for a term not exceeding five years, or to both.

False or misleading statements or documents **31.** Any person who, in any document prepared under this Part, makes a statement or omits any matter knowing that, or being reckless as to whether, the statement or omission makes a document false or misleading in a material particular commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand penalty units, or to imprisonment for a term not exceeding five years, or to both.

PART VIII

POWERS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Consent of Director of Public Prosecutions **32.** (1) No prosecution for an offence under this Act shall be instituted except by and with the written consent of the Director of Public Prosecutions.

(2) Notwithstanding subsection (1), a person may be charged with an offence under this Act and may be arrested for that offence or a warrant for the arrest of the person may be issued and executed, and any such person may be remanded by the court, in custody or on bail notwithstanding that the written consent of the Director of Public Prosecutions to the institution of the prosecution for the offence for which the person is charged has not been obtained:

Provided that no person shall be remanded in custody or bail for a period longer than seven days on any charge unless in the meantime the written consent of the Director of Public Prosecutions referred to in the subsection has been obtained.

(3) When a person is brought before a court before the written consent of the Director of Public Prosecutions to the institution of a prosecution against the person is obtained, the charge shall be explained to the accused person but the person shall not be called upon to take a plea.

Powers of Director of Public Prosecutions to obtain information **33.** If, in the course of any investigation into or proceedings relating to, any offence under this Act, the Director of Public Prosecutions has reasonable grounds to believe that it would assist or expedite such investigation or proceedings, the Director of Public Prosecutions may, by notice, require any person or authority to furnish all information in that person or authority's possession relating to the affairs of any suspected person and to produce or furnish any document or a certified true copy of any document relating to such suspected person which is in the possession or under the control of the person or authority.

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34. (1) If any person, against whom investigations or proceedings for any offence under this Act are pending, is preparing or about to leave the Republic of Zambia, whether temporarily or permanently, the Director of Public Prosecutions or any officer authorised by the Director of Public Prosecutions in that behalf may apply to any court for an order requiring such person to furnish bail in any sum, or, if the person has already been admitted to bail, in such greater sum on such additional conditions, as the case may be, with or without sureties, and in any such application the court may make such order as it considers fit.

Bail where suspect or accused person is about to leave Zambia

(2) Every order made under this section, whether originally or on review, shall be reviewed within thirty days by the court which made the order.

(3) Every order made under this section shall be appealable to and may be revised by a higher court.

35. (1) The court by or before which a person is convicted of an offence under this Act may order that anything shown to the court's satisfaction to relate to the offences shall be forfeited and either destroyed or otherwise dealt with in such a manner as the court may order.

Forfeiture in case of conviction

(2) In particular, the court may order that the thing is to be dealt with as the Director may see fit, and, in such a case, the powers of the Director shall include power to direct the destruction of that thing or to secure its disposal in any other way that appears to the Director to be appropriate.

36. Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of—

Offence by body corporate

(a) any director, manager, secretary or other similar officer of a body corporate; or

(b) any person who was purporting to act in any such capacity; that director, manager, secretary, officer or person, as well as the body corporate commits an offence and shall be liable, upon conviction —

(i) in the case of director, manager, secretary, similar officer or other person, to the penalty specified for the offence which is committed; or

(ii) in the case of a body corporate, to a fine not exceeding two million penalty units.

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PART IX

ENFORCEMENT PROVISIONS

Power of
inspection
and entry

37. (1) An officer duly authorised, in writing, by the Director to act under this section may, with a warrant, enter upon any premises for the purpose of —

- (a) investigating and enforcing compliance with this Act;
- (b) carrying out the provisions of this Act;
- (c) preventing or detecting any offence under this Act; or
- (d) assisting or accompanying a member of an OPCW inspection team investigating allegations of non compliance with the Convention:

Provided that no private dwelling house shall be entered pursuant to this section except in the presence of the occupier or of a person over the apparent age of eighteen years who resides therein as a member of the occupier's family.

(2) In this Part “warrant” has the meaning assigned to it in the Criminal Procedure Code.

Right of
search

38. (1) If any officer duly authorised in writing by the Director has reasonable grounds for believing that any person has committed, is committing, or is about to commit, an offence under this Act, the officer may, with a warrant, inspect and search any person or any building, tent or any baggage, wagon, caravan, vehicle, boat or aircraft in the possession or under the control of that person.

(2) If the officer during a search conducted in accordance with sub section (1) finds any thing, tangible or intangible, that has been used or is about to be used in contravention of this Act, the officer may seize and detain that thing:

Provided that the officer shall adhere to commonly accepted safety standards and practices relevant to toxic chemicals and their precursors.

(3) An officer may seize, lock up, seal, mark, fasten or otherwise secure any premises, equipment or goods if the officer has reason to believe that any contravention under this Act has been or is intended to be committed in respect thereof or in contravention of the Act.

(4) Any officer who seizes or detains any thing under subsection (2) shall give to the person from whom such thing has been seized a receipt in the prescribed form signed by the officer.

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(5) If —

(a) the Director is advised in writing by the Director of Public Prosecutions that no prosecution shall be instituted consequent upon any search and seizure made under subsection (1) or (2), as the case may be; or

(b) any prosecution has been concluded;

then, in either case, any thing so seized and detained under subsection (2) shall be destroyed within such period as the Director may determine from the date of receipt by the Director of the advice that no prosecution shall be instituted or from the date any prosecution is concluded, as the case may be.

39. (1) Subject to sub section (2), when any person is found committing any offence or is reasonably suspected of having committed an offence under this Act, any officer may demand that person's name and address, and if that person refuses to furnish such information, or fails to furnish such information to the satisfaction of the officer, or if the officer has reasonable grounds for believing that unless arrested the person will escape or cause unreasonable delay, trouble or expense in being made answerable to justice, that officer may arrest such person without warrant and keep that person in custody. Power to arrest

(2) Any person arrested under subsection (1) shall be taken as soon as practicable before a court, and shall not be detained for longer than is reasonably necessary for the purpose.

40. Any person who, obstructs an officer or knowingly makes a false statement to an officer in the exercise of the officer's duties under this Act commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both. Obstruction of an officer

41. An officer shall not be held liable for damages or otherwise for any act done or omitted to be done in good faith in the exercise of such officer's duties and powers under this Act. Immunity of officer

42. (1) The Director of Public Prosecutions may, at the request of the Director, in writing, appoint by name or rank any officer to undertake and prosecute criminal proceedings in respect of any offence alleged to have been committed by any person in contravention of this Act, and may at any time, without assigning any reason, cancel any such appointment. Appointment of prosecutors

(2) In undertaking or prosecuting any proceedings under this Act, the officer shall act in accordance with the general or special instructions of the Director of Public Prosecutions, and shall for the purpose of any such prosecution have the powers of a public prosecutor appointed under any law for the time being in force.

PART X

LEGAL ASSISTANCE

Collaboration
with
other state
authorities

43. (1) The Ministry responsible for foreign affairs and the Authority, may collaborate with other competent State authorities and international organisations and entities, and coordinate their actions to the extent required for the implementation of the Convention and this Act, or of the equivalent foreign statutes, subject to the other State authorities or international organisations or entities being bound to official secrecy.

(2) The Minister may request other State authorities and international organisation or entities referred to in subsection (1) to provide relevant data or information.

(3) The Minister may for purposes of this Act receive data or information concerning—

(a) the nature, quantity, and utilisation of Schedules 1, 2 and 3 chemicals or their precursors and related technologies, and the places of consignment and consignees for such scheduled chemicals, precursors, or related technologies;
or

(b) persons taking part in the production, delivery, or brokerage of the Schedules 1, 2 and 3 chemicals, precursors or related technologies referred to in paragraph (a).

(4) If a State has entered into a reciprocity agreement with the Republic of Zambia, the Minister may provide, on the Minister's own initiative or on request by the competent State authority, the data or information described in subsection (3) to that competent State authority on condition that the competent State authority undertakes that such data or information shall only be —

(a) utilised for purposes consistent with this Act and the Convention; and

(b) used in criminal proceedings if they are obtained in accordance with the rules governing international legal co-operation.

(5) The Minister may provide the data or information described in subsection (3) to international organisations or entities if the conditions set forth in subsection (4) are fulfilled.

PART XI

GENERAL PROVISION

44. (1) The Minister shall, by statutory instrument, establish a monitoring and testing centre for chemical weapons and their precursors and define its functions. Monitoring and testing centre

(2) The statutory instrument referred to in subsection (1) shall provide for the administration and operation of the monitoring and testing centre.

45. The Minister may, on the recommendation of the Authority, by statutory instrument, make regulations for the better carrying out of the provisions of this Act. Regulations

(2) Without prejudice to the generality of subsection (1), the Minister may, on the recommendation of the Authority, by regulations provide for—

- (a) the movement of toxic chemicals and their precursors by air, inland waters, rail or road;
- (b) the storage and use of toxic chemicals and their precursors;
- (c) the production, processing or consumption of toxic chemicals and their precursors;
- (d) facilities specified in this Act;
- (e) standards for chemicals and facilities;
- (f) packaging, labelling and advertising requirements;
- (g) record keeping and reporting requirements; and
- (h) fees and charges for licences issued under this Act.

(3) The Minister may, on the recommendation of the Authority, by statutory instrument, amend the First, Second and Third Schedules to the Act by adding or deleting any chemical to or from the First, Second or Third Schedules, as the case may be.

FIRST SCHEDULE

(Sections 2, 10 and 13)

SCHEDULE 1 CHEMICALS

(CAS registry number)

A. Toxic Chemicals:

- (1) O-Alkyl (d^*C_{10} , incl, Cycloalkyl) C- alkyl (107-44-8)
(Me, Et, n-Pr or i-Pr)-phosphonofluoridates (96-64-0)
e.g. Sarin: O-Isopropyl methylphosphonofluoridate
Soman: O-Pinacoly methylphosphonofluoridate
- (2) O-Alkyl (d^*C_{10} , incl, Cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)
Phosphoramidocyanidates
e.g. Tabun: O-Ethyl N,N-dimethyl
phosphoramidocyanidate (77-81-6)
- (3) O-Alkyl (H or d^*C_{10} , incl, Cycloalkyl) S-2-dialkyl
(Me, Et, n-Pr or i-Pr)- aminoethyl alkyl

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(Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts

e.g VX: O-Ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate
(50782-69-9)

- (4) Sulfur mustards:
- | | |
|---|---------------|
| 2-Chloroethylchloromethylsulfide | (2625-76-5) |
| Mustard gas: Bis (2-chloroethyl) sulfide | (505-60-2) |
| Bis (2-chloroethylthio)methane | (63869-13-6) |
| Sesquimustard: 1,2-Bis (2-chloroethylthio)methane | (3563-36-8) |
| 1,3-Bis (2-chloroethylthio)-n-propane | (63905-10-2) |
| 1,4-Bis (2-chloroethylthio)-n-butane | (142868-93-7) |
| 1,5-Bis (2-chloroethylthio)-n-pentane | (142868-94-8) |
| O-Mustard: Bis (2-chloroethylthioethyl) ether | (63918-89-8) |
| Bis (2-chloroethylthiomethyl) ether | (63918-90-1) |

- (5) Lewisites:
- | | |
|---|--------------|
| Lewisite 1: 2-Chlorovinylchloroarsine | (541-25-3) |
| Lewisite 2: Bis (2-chlorovinyl)chloroarsine | (40334-69-8) |
| Lewisite 3: Tris (2-chlorovinyl) arsine | (40334-70-1) |

- (6) Nitrogen mustards:
- | | |
|---------------------------------------|------------|
| HN 2: Bis (2-chloroethyl) ethylamine | (538-07-8) |
| HN 2: Bis (2-chloroethyl) methylamine | (51-75-2) |
| HN 3: Tris (2-chloroethyl) amine | (555-77-7) |
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-99-3)

B. Precursors:

- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides
e.g DF: Methylphosphonyldifluoride (676-99-3)
- (10) O-Alkyl (H or d¹⁰C₁₀, incl. Cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts; e.g QL: O-Ethyl O-2 diisopropylaminoethyl methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) Chlorosoman: O-Pinacolyl methylphosphochloridate (7040-57-5)

NOTES:

1. This Schedule sets out Schedule 1 to the Annex on chemicals to the Convention as corrected.
2. In this Schedule a reference to the CAS Registry is a reference to the Chemicals Abstract Service Registry.
3. This Schedule must be read subject to the following proposition, which is based on a note in the Convention: where reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses must be taken to be listed in the Schedule.

SECOND SCHEDULE

(Sections 2, 11, 14 and 15)

SCHEDULE 2 CHEMICALS

A. Toxic chemicals:

- (1) Amiton: oo-Diethyl S-[2-(diethylamino) ethyl] phosphonothiolates and corresponding alkylated or protonated salts (78-53-5)
- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ. 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. Precursors:

- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,
e.g. Methylphosphonyl dichloride (676-97-1)
Dimethyl methylphosphonate (756-79-6)
Exemption: fonofos:
O-Ethyl S-phenyl ethylphosphonothiothionate (944-22-9)
- (5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic Dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-Phosphoramidates
- (7) Arenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl -2-hydroxyacetic acid 76-93-7)
- (9) Quinuclidin -3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts.
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts (108-01-0)
N,N-Diethylaminoethanol and corresponding protonated salts (100-37-8)
N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts
- (12) Thiodiglycol: Bis (2-hydroxyethyl)sulfide (111-48-8)
- (13) Pinacolyl alcohol: 3,3-Dimethylbutan 2-ol (464-07-3)

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THIRD SCHEDULE

(Sections 2 and 12)

SCHEDULE 3 CHEMICALS

A. *Toxic Chemicals:*

- | | |
|---|------------|
| (1) Phosgene: Carbonyl dichloride | (75-44-5) |
| (2) Cyanogen chloride | (506-77-4) |
| (3) Hydrogen cyanide | (74-90-8) |
| (4) Chloropicrin: Trichloronitromethane | (76-06-2) |

B. *Precursors:*

- | | |
|------------------------------|--------------|
| (5) Phosphorus oxychloride | (10025-87-3) |
| (6) Phosphorus trichloride | (7719-12-2) |
| (7) Phosphorus pentachloride | (10026-13-8) |
| (8) Trimethyl phosphite | (121-45-9) |
| (9) Triethyl phosphite | (122-52-1) |
| (10) Dimethyl phosphite | (868-85-9) |
| (11) Diethyl phosphite | (762-04-9) |
| (12) Sulfur monochloride | (10025-67-9) |
| (13) Sulfur dichloride | (10545-99-0) |
| (14) Thionyl chloride | (7719-09-7) |
| (15) Ethyldiethanolamine | (139-87-7) |
| (16) Methyldiethanoamine | (105-59-9) |
| (17) Triethanolamine | (102-71-6) |
