

## **Chemical Weapons Convention (Amendment) Act, 2012**

**36 of 2012**

**[11 September 2012]**

### CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 9
3. Substitution Of New Section For Section 16
4. Amendment Of Section 18
5. Amendment Of Section 42
6. Amendment Of Section 56

## **Chemical Weapons Convention (Amendment) Act, 2012**

**36 of 2012**

**[11 September 2012]**

An Act to amend the Chemical Weapons Convention Act, 2000. Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:--

### **1. Short Title And Commencement :-**

(1) This Act may be called the Chemical Weapons Convention (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### **2. Amendment Of Section 9 :-**

In the Chemical Weapons Convention Act, 2000 (34 of 2000) (hereinafter referred to as the principal Act), in section 9, in sub-section (1),--

(a) after the words "National Authority", the words "or of the Central Government" shall be inserted;

(b) the following proviso shall be inserted, namely:--

"Provided that such officers shall fulfil the prescribed criteria."

### **3. Substitution Of New Section For Section 16 :-**

For section 16 of the principal Act, the following section shall be substituted, namely:--

"16. Restriction on transfer of Toxic Chemical or Precursor listed in Schedule 2.--No person shall transfer to, or receive from, a State which is not a party to the Convention or any person who is not a citizen of a State Party, any Toxic Chemical or Precursor listed in Schedule 2 in the Annex on Chemicals to the Convention."

#### **4. Amendment Of Section 18 :-**

In section 18 of the principal Act,--

(a) in sub-section (1), in the opening portion, for the words "Every person who is", the words "Subject to such exemptions and thresholds as may be prescribed, every person who is" shall be substituted;

(b) in sub-section (2), in the opening portion, for the words "No person, who after the commencement of this Act", the words "Subject to such exemptions and thresholds as may be prescribed, no person, who after the coming into force of this section" shall be substituted;

(c) in sub-section (4), after the words "a certificate of registration", the words "subject to such terms and conditions as may be prescribed" shall be inserted;

(d) after sub-section (5), the following sub-section shall be inserted, namely;--

"(6) Every person, to whom a certificate of registration is granted under sub-section (4), shall furnish to the Central Government periodically, or, as and when required, such information, declaration or return as may be prescribed."

#### **5. Amendment Of Section 42 :-**

In section 42 of the principal Act, for the words "any person", the words "a State which is not a State Party or any person" shall be substituted.

#### **6. Amendment Of Section 56 :-**

In section 56 of the principal Act, in sub-section (2),--

(a) after clause (b), the following clause shall be inserted, namely:--

-

"(ba) the criteria which the officers are required to fulfil under sub-

section (1) of section 9";

(b) for clause (c), the following clause shall be substituted, namely:--

"(c) the exemptions and thresholds under sub-sections (1) and (2) of section 18, the form of application, the particulars to be contained in the application form, the form of certificate of registration, the manner of making application, the amount of fee payable, the procedure to be followed in granting or cancelling certificate of registration under sub-section (3) of section 18, the terms and conditions for granting a certificate of registration under sub-section (4) of section 18, the period for which a renewed certificate of registration may be issued and the amount of fee payable therefore under sub-section (5) of section 18 and information, declaration or return to be furnished under sub-section (6) of that section;"