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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2039/31 - 2017 ඔක්තෝබර් මස 06 වැනි සිකුරාදා - 2017.10.06

No. 2039/31 - FRIDAY, OCTOBER 06, 2017

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D. B. 7/2001

The United Nations Act, No. 45 of 1968

REGULATIONS made by the Minister of Foreign Affairs under Section 2 of the United Nations Act, No. 45 of 1968.

TILAK MARAPANA,
Minister of Foreign Affairs.

Colombo,
04th October, 2017.

Regulations

1. These regulations shall be cited as the United Nations (Sanctions relating to Proliferation of Nuclear, Chemical or Biological Weapons) Regulations of 2017.
2. United Nations Security Council Resolution 1540 (2004), and the modifications and strengthening of the Resolution by the subsequent resolutions including 1673 (2006), 1810 (2008), 1977 (2011), 2055 (2012) and 2325 (2016) and any other subsequent resolution, which set out wide-ranging requirements for the prevention



of proliferation of nuclear, chemical and biological weapons, impose upon member States of the United Nations a series of obligations to take appropriate legal measures to prohibit any natural or legal person, group or entity acting without the lawful authority of any member State to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist, or finance them. Further, member States are requiring to establish domestic controls to prevent the proliferation of these weapons and means of delivery, including by establishing appropriate controls over related materials. The Security Council of the United Nations acting under Chapter VII of the Charter of the United Nations, on 28th April, 2004, unanimously adopted Resolution 1540 (2004).

3. (1) Any person who or group or entity which manufactures, acquires, possesses, develops, transports, transfers or uses nuclear, chemical or biological weapons and their means of delivery within Sri Lanka, commits an offence under these regulations and shall on conviction by the High Court, be liable to imprisonment of either description for a period not exceeding twenty years or a fine not exceeding five million rupees or both such fine and imprisonment.
- (2) Any person who or group or entity which participates in manufacturing, acquiring, developing, possessing, transporting, transferring or using nuclear chemical or biological weapons and their means of delivery as an accomplice or assists or finances them commits an offence under these regulations and shall on conviction by the High Court, be liable to imprisonment of either description for a period not exceeding five years or a fine not exceeding one million rupees or both such fine and imprisonment.
4. (1) A person shall not make available any funds, other financial assets and economic resources and financial or other related services directly or indirectly to, or for the benefit of, a person, group or entity to manufacture, acquire, develop, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery or for the purposes to proliferate nuclear, chemical, and biological weapon related materials.
- (2) Any person who or group or entity which violates paragraph (1) shall be guilty of an offence under these regulations and shall, on conviction by the High Court, be liable to imprisonment of either description for a period not exceeding five years or a fine not exceeding one million rupees or both such fine and imprisonment.
5. (1) Any person who, for the peaceful purposes, deals with nuclear chemical and biological weapon related materials shall comply with and maintain the minimum accounting, and securing measures in production, use, storage and transport and minimum physical protection measures in accordance with the relevant written law.
- (2) Any person who or group or entity which violates paragraphs (1) shall be guilty of an offence and shall, on conviction by the High Court, be liable to imprisonment of either description for a period not exceeding five years or a fine not exceeding one million rupees or both such fine and imprisonment.
6. (1) Any person who or group or entity which, for the peaceful purposes, engages in export, transit, trans-shipment or re-export nuclear chemical and biological weapon related materials within Sri Lanka shall comply with the relevant written law.
- (2) Any person who or group or entity which violates paragraphs (1) commits an offence under these regulations and shall on conviction by the High Court, be liable to imprisonment of either description for a period not exceeding five years or a fine not exceeding one million rupees or both such fine and imprisonment.
7. There shall for the purpose of these regulations, be a Competent Authority who shall be appointed by the Minister in consultation with the Minister assigned the subject of Defence.
8. (1) The Competent Authority, any institution, Financial Intelligence Unit and the Minister shall refer any matter or information relevant to violation or possible violation of the provisions of these regulations

to the appropriate law enforcement agencies.

- (2) The Competent Authority shall consult with the law enforcement agencies, relevant institutions, Financial Intelligence Unit and other appropriate agencies and develop a plan that shall be implemented for monitoring compliance and enforcement of these regulations.
- (3) The Competent Authority may issue directives for the implementation of practices and enforcement of obligations under these regulations.

9. For the purpose of these regulations –

"biological weapons" means any weapon designed to kill, harm or infect people, animals or plants through effects of the infectious or toxic properties of a microbial or biological warfare agent;

"chemical weapons" means-

- (a) toxic chemicals and their precursors, except where intended for peaceful purposes not prohibited under these regulations, as long as the types and quantities are consistent with such purposes;
- (b) munitions and devices, specifically designed to cause 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;
- (c) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (b).

"entity" means a body corporate, a trust, a partnership, a fund, an unincorporated association or an organization;

"Financial Intelligence Unit" means the Financial Intelligence Unit established under the Financial Transactions Reporting Act, No. 6 of 2006;

"High Court" means the High Court established under Article 154P of the Constitution, for the Western Province holden in Colombo;

"means of delivery" means missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use;

"Minister" means the Minister to whom the subject to External Affairs has been assigned;

"nuclear weapon" means a weapon assembly that is capable of producing an explosion and massive damage and destruction by the sudden release of energy instantaneously released from self-sustaining nuclear fission and/or fusion;

"person" shall have the same meaning as in the Interpretation Ordinance (Chapter 2);

"related materials" means materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery;

"trans-shipment" means shipment through ports of Sri Lanka.