



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 6

#### WEAPONS OF MASS DESTRUCTION

*Amendment of the Biological Weapons Act 1974 and the Chemical Weapons Act 1996*

#### **43 Transfers of biological agents and toxins**

In section 1 of the Biological Weapons Act 1974 (c. 6) (restriction on development etc. of certain biological agents and toxins and of biological weapons), after subsection (1) insert—

“(1A) A person shall not—

- (a) transfer any biological agent or toxin to another person or enter into an agreement to do so, or
- (b) make arrangements under which another person transfers any biological agent or toxin or enters into an agreement with a third person to do so,

if the biological agent or toxin is likely to be kept or used (whether by the transferee or any other person) otherwise than for prophylactic, protective or other peaceful purposes and he knows or has reason to believe that that is the case.”

#### **44 Extraterritorial application of biological weapons offences**

After section 1 of the Biological Weapons Act 1974 insert—

*Status: Point in time view as at 27/06/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Cross Heading: Amendment of the Biological Weapons Act 1974 and the Chemical Weapons Act 1996. (See end of Document for details)*

### **“1A Extraterritorial application of section 1**

- (1) Section 1 applies to acts done outside the United Kingdom, but only if they are done by a United Kingdom person.
- (2) Proceedings for an offence committed under section 1 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (3) Her Majesty may by Order in Council extend the application of section 1, so far as it applies to acts done outside the United Kingdom, to bodies incorporated under the law of any of the Channel Islands, the Isle of Man or any colony.
- (4) In this section “United Kingdom person” means a United Kingdom national, a Scottish partnership or a body incorporated under the law of a part of the United Kingdom.
- (5) For this purpose a United Kingdom national is an individual who is—
  - (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
  - (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject; or
  - (c) a British protected person within the meaning of that Act.
- (6) Nothing in this section affects any criminal liability arising otherwise than under this section.”

## **45 Customs and Excise prosecutions for biological weapons offences**

Before section 2 of the Biological Weapons Act 1974 (c. 6) insert—

### **“1B Customs and Excise prosecutions**

- (1) Proceedings for a biological weapons offence may be instituted by order of the Commissioners of Customs and Excise if it appears to them that the offence has involved—
  - (a) the development or production outside the United Kingdom of any thing mentioned in section 1(1)(a) or (b) above;
  - (b) the movement of any such thing into or out of any country or territory;
  - (c) any proposal or attempt to do anything falling within paragraph (a) or (b) above.
- (2) In this section “biological weapons offence” means an offence under section 1 of this Act or section 50 of the Anti-terrorism, Crime and Security Act 2001 (including an offence of aiding, abetting, counselling, procuring or inciting the commission of, or attempting or conspiring to commit, such an offence).
- (3) Any proceedings for an offence which are instituted under subsection (1) above shall be commenced in the name of an officer, but may be continued by another officer.
- (4) Where the Commissioners of Customs and Excise investigate, or propose to investigate, any matter with a view to determining—

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*Status: Point in time view as at 27/06/2017.*

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- (a) whether there are grounds for believing that a biological weapons offence has been committed, or
  - (b) whether a person should be prosecuted for such an offence,
- that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.
- (5) Nothing in this section affects any power of any person (including any officer) apart from this section.
  - (6) In this section “officer” means a person commissioned by the Commissioners of Customs and Excise.
  - (7) This section does not apply to the institution of proceedings in Scotland.”

#### **46 Customs and Excise prosecutions for chemical weapons offences**

Before section 31 of the Chemical Weapons Act 1996 (c. 6) insert—

##### **“30A Customs and Excise prosecutions**

- (1) Proceedings for a chemical weapons offence may be instituted by order of the Commissioners of Customs and Excise if it appears to them that the offence has involved—
  - (a) the development or production outside the United Kingdom of a chemical weapon;
  - (b) the movement of a chemical weapon into or out of any country or territory;
  - (c) any proposal or attempt to do anything falling within paragraph (a) or (b).
- (2) In this section “chemical weapons offence” means an offence under section 2 above or section 50 of the Anti-terrorism, Crime and Security Act 2001 (including an offence of aiding, abetting, counselling, procuring or inciting the commission of, or attempting or conspiring to commit, such an offence).
- (3) Any proceedings for an offence which are instituted under subsection (1) shall be commenced in the name of an officer, but may be continued by another officer.
- (4) Where the Commissioners of Customs and Excise investigate, or propose to investigate, any matter with a view to determining—
  - (a) whether there are grounds for believing that a chemical weapons offence has been committed, or
  - (b) whether a person should be prosecuted for such an offence,that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.
- (5) Nothing in this section affects any power of any person (including any officer) apart from this section.
- (6) In this section “officer” means a person commissioned by the Commissioners of Customs and Excise.
- (7) This section does not apply to the institution of proceedings in Scotland.”

**Status:**

Point in time view as at 27/06/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Cross Heading: Amendment of the Biological Weapons Act 1974 and the Chemical Weapons Act 1996.