



Biological Weapons Act 1974

CHAPTER 6

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ELIZABETH II



Biological Weapons Act 1974

1974 CHAPTER 6

An Act to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons. [8th February 1974]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No person shall develop, produce, stockpile, acquire or retain—

- (a)* any biological agent or toxin of a type and in a quantity that has no justification for prophylactic, protective or other peaceful purposes; or
- (b)* any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict.

Restriction on development etc. of certain biological agents and toxins and of biological weapons.

(2) In this section—

“biological agent” means any microbial or other biological agent; and

“toxin” means any toxin, whatever its origin or method of production.

(3) Any person contravening this section shall be guilty of an offence and shall, on conviction on indictment, be liable to imprisonment for life.

2.—(1) Proceedings for an offence under section 1 above shall not be instituted—

Prosecution of offences.

- (a)* in England or Wales, except by or with the consent of the Attorney General; or

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

1959 c. 25
(N.I.).
1967 c. 18
(N.I.).

(2) At the end of section 40(1) of the County Courts Act (Northern Ireland) 1959 as amended by section 8 of the Criminal Law Act (Northern Ireland) 1967 (original jurisdiction of county courts in Northern Ireland) the following paragraph shall be added:—

(i) any offence under section 1 of the Biological Weapons Act 1974 and any attempt, conspiracy or incitement to commit such an offence.”.

(3) Subsection (1) above shall not prevent the issue or execution of a warrant for the arrest of any person in respect of an offence, or the remanding in custody or on bail of any person charged with an offence.

Offences by
bodies
corporate.

3. Where an offence under section 1 of this Act which is committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Powers to
search and
obtain
evidence.

4.—(1) If a justice of the peace is satisfied by information on oath, or in Scotland the sheriff or a magistrate or justice of the peace is satisfied by evidence on oath, that there is reasonable ground for suspecting that an offence under section 1 of this Act has been, or is about to be, committed, he may grant a search warrant authorising a constable named therein—

- (a) to enter, at any time within one month from the date of the warrant, any premises or place named therein, if necessary by force, and to search the premises or place and every person found therein;
- (b) to inspect any document found in the premises or place or in the possession of any person found therein, and to take copies of, or seize or detain any such document;
- (c) to inspect, seize and detain any equipment so found; and
- (d) to inspect, sample, seize and detain any substance so found.

(2) A warrant issued under subsection (1) above, authorising a constable to take the steps mentioned in that subsection, may also authorise any person named in the warrant to accompany the constable and assist him in taking any of those steps.

5.—(1) Section 70 of the Army Act 1955 and section 70 of the Air Force Act 1955 (civil offenders), as amended by section 1(6) of the Genocide Act 1969, shall each be amended by inserting in subsection (4), after the word “genocide”, the words “or an offence under section 1 of the Biological Weapons Act 1974.”

Amendment of Army, Air Force and Naval Discipline Acts.
 1955 c. 18.
 1955 c. 19.
 1969 c. 12.
 1957 c. 53.

(2) In section 48(2) of the Navy Discipline Act 1957 (exclusion of jurisdiction of courts-martial), as amended by section 1(7) of the Genocide Act 1969, after the word “genocide” there shall be inserted the words “or an offence under section 1 of the Biological Weapons Act 1974.”

6.—(1) This Act extends to Northern Ireland.

Extent.

(2) Her Majesty may by Order in Council make provision for extending this Act, with such exceptions, adaptations or modifications as may be specified in the order, to any of the Channel Islands, the Isle of Man, any colony (other than a colony for whose external relations a country other than the United Kingdom is responsible) or any country outside Her Majesty’s dominions in which Her Majesty has jurisdiction in right of Her Majesty’s Government of the United Kingdom.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

7. This Act may be cited as the Biological Weapons Act 1974.

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