
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 7 of the Anti-terrorism, Crime and Security Act 2001 places duties on the occupiers of premises at which dangerous substances are kept. In that Part, a “dangerous substance” means anything which consists of or includes a substance for the time being mentioned in Schedule 5 to that Act (section 58(4)(a)) or anything which is infected with or otherwise carries any such substance (section 58(4)(b)). However, under section 58(5) to the Act something which otherwise falls within that definition is not to be regarded as a dangerous substance if it satisfies conditions prescribed in regulations or is kept or used in circumstances so prescribed. These Regulations exercise those powers.

Regulation 2 sets out the exceptions to section 58(4)(a). Regulation 2(2) sets out exceptions in respect of both pathogens and toxins; regulation 2(3) sets out further exceptions in respect of pathogens; and regulation 2(4) and (5) set out further exceptions in respect of toxins. Regulation 3 sets out an exception to section 58(4)(b).