
STATUTORY INSTRUMENTS

2002 No. 1281

The Security of Pathogens and Toxins (Exceptions to Dangerous Substances) Regulations 2002

3.—(1) Where the condition set out in paragraph (2) is satisfied, a pathogen which would otherwise fall within section 58(4)(b) of the Act is not to be regarded as a dangerous substance.

(2) Subject to paragraph (3), that condition is that the substance for the time being mentioned in Schedule 5 to the Act infects or is otherwise carried by:

- (a) any animal, alive or dead, or anything which is or was a part of it;
- (b) any human corpse, or any part of it;
- (c) any food or food source within the meaning of the Food Safety Act 1990⁽¹⁾; or
- (d) any feeding stuff.

(3) Paragraph (2) does not apply if the occupier of the premises where any of the things set out in sub-paragraphs (a) to (d) of that paragraph is kept:

- (a) knows or ought reasonably to have known that the thing in question had been deliberately infected by a pathogen or that it otherwise carries a pathogen as a result of a deliberate act, and
- (b) keeps the thing in question for longer than is reasonably necessary for its disposal.

(4) In paragraph (2)(d) “feeding stuff” means—

- (a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);
- (b) a product derived from the industrial processing of such a product; or
- (c) an organic or inorganic substance, used simply or in a mixture,

whether or not containing additives, for oral feeding to animals.

⁽¹⁾ 1990 c. 16; “food” and “food source” are defined by section 1 of that Act.