



Biological Weapons Act 1974

1974 CHAPTER 6

[^{F1}1B] [^{F2}Revenue and Customs prosecutions]

(1) Proceedings for a biological weapons offence may be instituted [^{F3}by [^{F4}the Director of Public Prosecutions] or by order of the Commissioners for Her Majesty's Revenue and Customs][^{F5}if it appears to the Director or to the Commissioners] 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 [^{F6}by order of the Commissioners] under subsection (1) above shall be commenced in the name of an officer [^{F7}of Revenue and Customs], but may be continued by another officer.

(4) Where [^{F8}the Commissioners] investigate, or propose to investigate, any matter with a view to determining—

- (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.

^{F9}(6)

(7) This section does not apply to the institution of proceedings in Scotland.]

Changes to legislation: There are currently no known outstanding effects for the Biological Weapons Act 1974, Section 1B. (See end of Document for details)

Textual Amendments

- F1** S. 1B inserted (14.12.2001) by 2001 c. 24, s. 45
- F2** S. 1B heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(e)**; S.I. 2005/1126, art. 2(2)(h)
- F3** Words in s. 1B(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(a)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F4** Words in s. 1B(1) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 1**
- F5** Words in s. 1B(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F6** Words in s. 1B(3) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(b)(i)**; S.I. 2005/1126, art. 2(2)(h)
- F7** Words in s. 1B(3) inserted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(b)(ii)**; S.I. 2005/1126, art. 2(2)(h)
- F8** Words in s. 1B(4) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(c)**; S.I. 2005/1126, art. 2(2)(h)
- F9** S. 1B(6) repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 17(d), 5**; S.I. 2005/1126, art. 2(2)(h)(i)

Modifications etc. (not altering text)

- C1** S. 1B(2) modified (E.W.N.I.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 2** (with **Sch. 13 para. 5**); S.I. 2008/2504, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Biological Weapons Act 1974, Section 1B.