

1975 No. 240

BIOLOGICAL WEAPONS**The Biological Weapons Act 1974 (Overseas Territories)
Order 1975***Made - - - - 26th February 1975**Coming into Operation 4th March 1975*

At the Court of St. James, the 26th day of February 1975

Present.

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 10th day of February 1975, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 6(2) of the Biological Weapons Act 1974(a) and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Biological Weapons Act 1974 (Overseas Territories) Order 1975 and shall come into operation on 4th March 1975.

2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) Sections 1, 2, 3 and 4 of the Biological Weapons Act 1974, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 2 hereto: provided that, in relation to the New Hebrides, nothing in those sections shall apply to any person who is not for the time being subject to the criminal jurisdiction in the New Hebrides of the High Court of the Western Pacific.

(2) For the purpose of construing the said Act as so extended as part of the law of any Territory to which it extends "the Territory" means that Territory, including its territorial waters, and "any Territory" means any of the Territories to which this Act extends, including its territorial waters.

N. E. Leigh

(a) 1974 c. 6.

(b) 1889 c. 63.

SCHEDULE 1

SECTIONS 1 TO 4 OF THE BIOLOGICAL WEAPONS ACT 1974 AS EXTENDED TO
THE TERRITORIES SPECIFIED IN SCHEDULE 2

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.

(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 in British Indian Ocean Territory or Seychelles, on conviction on information in the British Solomon Islands Protectorate, and on conviction on indictment in any other Territory be liable to imprisonment for life.

(4) In Montserrat and the New Hebrides an offence under subsection (3) above shall be deemed to be a felony.

2.—(1) Proceedings for an offence under section 1 above shall not be instituted in the Territory except by or with the consent of the Attorney-General of the Territory.

(2) 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.

(3) In this section the expression “ Attorney-General ” includes the Solicitor-General, and if neither of such offices exists, the expression means that officer whose functions include the general control of public prosecutions.

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.

4.—(1) If a magistrate or justice of the peace is satisfied by information 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 Police Officer, Peace Officer or officer of the peace 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 Police Officer, Peace Officer or officer of the peace to take the steps mentioned in that subsection, may also authorise any person named in the warrant to accompany the Police Officer, Peace Officer or officer of the peace and assist him in taking any of those steps.

SCHEDULE 2

Belize.
Bermuda.
British Antarctic Territory.
British Indian Ocean Territory.
British Solomon Islands Protectorate.
British Virgin Islands.
Cayman Islands.
Falkland Islands (Colony and Dependencies).
Gibraltar.
Gilbert and Ellice Islands Colony.
Hong Kong.
Montserrat.
New Hebrides.
Pitcairn, Henderson, Ducie and Oeno Islands.
St. Helena (Colony and Dependencies).
Seychelles.
Sovereign Base Areas of Akrotiri and Dhekelia.
Turks and Caicos Islands.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Biological Weapons Act 1974, subject to exceptions, adaptations and modifications, to the overseas territories specified in Schedule 2 to the Order.

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