

CHAPTER 52

THE BIOLOGICAL WEAPONS ACT

Arrangement of Sections

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BIOLOGICAL WEAPONS

(3rd December, 1975.)

22/1975.

1. This Act may be cited as the Biological Weapons Act. **Short title.**
2. In this Act, unless the context otherwise requires— **Interpretation**
"biological agent" means any microbial or other biological agent;
"section" means section of this Act; and
"toxin" means any toxin whatever its origin or method of production.

Restriction on development etc. of certain biological agents, toxins and Weapons.

3. Any person who develops, produces, stockpiles, acquires or retains—

(a) any biological agent or toxin of a type and in quantity that has no justification for prophylactic, protective or other peaceful purpose; or

(b) any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict,

shall be guilty of an offence and shall be liable on conviction on indictment to a fine of fifteen thousand dollars and to imprisonment for life.

No prosecution without consent of the Director of Public Prosecutions.

4. (1) Proceedings for an offence under section 3 shall not be instituted except by or with the written consent of the Director of Public Prosecutions.

(2) Subsection (1) hereof 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.

5. Where an offence under section 3 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 both such person, as well as the body corporate, shall be guilty of an offence under section 3 and shall be liable to be proceeded against and punished accordingly.

Arrest without warrant.

6. (1) Where any police officer with reasonable cause suspects or has reasonable cause to suspect that an offence under section 3 has been or is about to be committed, such police officer may arrest without warrant anyone whom he with reasonable cause suspects to be guilty of such offence or to be about to commit such offence.

(2) The provisions of this section shall not affect the operation of any power to arrest conferred by law apart from this section.

7. (1) If a magistrate is satisfied by evidence on oath that there are reasonable grounds for suspecting that an offence under section 3 has been or is about to be committed he may grant a search warrant authorising a police officer, not below the rank of sergeant, named therein—

Power to search and obtain evidence.

(a) to enter at any time within three months of the date of the warrant, any premises or place named therein, if necessary by force, and search such 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 and 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 section (1) hereof authorising a police officer of or above the rank of sergeant to take the steps therein mentioned, may also authorise any person named in the warrant to accompany any such police officer and to assist him in the taking of any of these steps.
