



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 6

WEAPONS OF MASS DESTRUCTION

Amendment of the Biological Weapons Act 1974 and the Chemical Weapons Act 1996

45 Customs and Excise prosecutions for biological weapons offences

Before section 2 of the Biological Weapons Act 1974 (c. 6) insert—

“1B Customs and Excise prosecutions

- (1) Proceedings for a biological weapons offence may be instituted by order of the Commissioners of Customs and Excise if it appears to them 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 under subsection (1) above shall be commenced in the name of an officer, but may be continued by another officer.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 45. (See end of Document for details)

- (4) Where the Commissioners of Customs and Excise 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.
- (6) In this section “officer” means a person commissioned by the Commissioners of Customs and Excise.
- (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 Anti-terrorism, Crime and Security Act 2001, Section 45.