



## **ST. CHRISTOPHER AND NEVIS**

### **CHAPTER 19.01**

## **BIOLOGICAL WEAPONS ACT**

### **Revised Edition**

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

### **BIOLOGICAL WEAPONS ACT**

**Act 3 of 1991** ... in force 13th June 1991

Page

3



**CHAPTER 19.01**  
**BIOLOGICAL WEAPONS ACT**

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Restriction on development, etc., of certain biological agents toxins and weapons
4. No prosecution without consent of the Director of Public Prosecutions
5. Offences by bodies corporate
6. Arrest without warrant
7. Power to search and obtain evidence



**CHAPTER 19.01**  
**BIOLOGICAL WEAPONS ACT**

AN ACT TO PROHIBIT THE DEVELOPMENT, PRODUCTION, ACQUISITION AND POSSESSION OF CERTAIN BIOLOGICAL AGENTS AND TOXINS, AND OF BIOLOGICAL WEAPONS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**Short title.**

1. This Act may be cited as the Biological Weapons Act.

**Interpretation.**

2. In this Act—

“biological agent” means any microbial or other biological agent;

“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 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,

commits an offence and shall be liable, on conviction on indictment, to a fine of fifty 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) of this section 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 persons, as well as the body corporate, commit an offence under section 3 and shall be liable to be proceeded against and punished accordingly.

**Arrest without warrant.**

6. (1) Where any member of the Police Force, 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 member of the Police Force may arrest without warrant anyone whom he or she, with reasonable cause, suspects to have committed the offence or to be about to commit the offence.

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

**Power to search and obtain evidence.**

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 or she may grant a search warrant authorising a member of the Police Force not below the rank of sergeant, named therein—

- (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 subsection (1) authorising a member of the Police Force 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 member of the Police Force and to assist him or her in the taking of any of those steps.

---