



Jersey

BIOLOGICAL WEAPONS ACT 1974 (JERSEY) ORDER 1974

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APPENDIX



Jersey

BIOLOGICAL WEAPONS ACT 1974 (JERSEY) ORDER 1974

Jersey Order in Council 16/1974

BIOLOGICAL WEAPONS ACT 1974 (JERSEY) ORDER, 1974.

(Registered on the 2nd day of August, 1974).

At the Court at Buckingham Palace.

28th June, 1974.

PRESENT

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in exercise of the powers conferred upon Her by section 6(2) of the Biological Weapons Act 1974, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Biological Weapons Act 1974 (Jersey) Order 1974 and shall come into operation on 22nd July 1974.
2. The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The provisions of the Biological Weapons Act 1974 shall extend to the Bailiwick of Jersey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

W.G. AGNEW

*SCHEDULE***EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS**

1. Save where the context otherwise requires, any reference to the Biological Weapons Act 1974 or to any other Act of Parliament shall be construed as a reference to that Act as it has effect in the Bailiwick of Jersey.

2. For section 2 there shall be substituted the following provision: -

“2. Proceedings for an offence under this Act shall not be instituted without the consent of the Attorney General of Jersey.”

3. In section 4 –

(a) in subsection (1) for the words from the beginning of the subsection to the words “magistrate or justice of the peace” shall be substituted the words “If the Bailiff”;

(b) for the word “constable” wherever it appears there shall be substituted the words “police officer”.

4. Section 6 shall be omitted.

BIOLOGICAL WEAPONS ACT 1974.**CHAPTER 6.**

ARRANGEMENT OF SECTIONS.

Section

1. Restriction on development etc. of certain biological agents and toxins and of biological weapons.
2. Prosecution of offences.
3. Offences by bodies corporate.
4. Powers to search and obtain evidence.
5. Amendment of Army, Air Force and Naval Discipline Acts.
6. Extent.
7. Short title.

ELIZABETH II**1967 CHAPTER 6**

AN ACT to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons.

[8th February, 1974].

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -¹

**RESTRICTION ON DEVELOPMENT ETC. OF CERTAIN BIOLOGICAL
AGENTS AND TOXINS AND OF BIOLOGICAL WEAPONS**

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 or production.

(3) Any person contravening this section shall be guilty of an offence and shall, on conviction on indictment, be liable to imprisonment for life.

PROSECUTION OF OFFENCES

[2.] Proceedings for an offence under this Act shall not be instituted without the consent of the Attorney General of Jersey.]

OFFENCES BY BODIES CORPORATE

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

¹ Deletions and words in brackets indicate adaptations and modifications made by the Biological Weapons Act 1974 (Jersey) Order, 1974.

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.

POWERS TO SEARCH AND OBTAIN EVIDENCE

4.-(1) [If the Bailiff] is satisfied by evidence 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] 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] to take the steps mentioned in that subsection, may also authorise any person named in the warrant to accompany the [police officer] and assist him in taking any of those steps.

AMENDMENT OF ARMY, AIR FORCE AND NAVAL DISCIPLINE ACTS

5.-(1) Section 70 of the Army Act 1955 and section 70 of the Air Force Act 1955 (civil offenders), as amended by section 1(6) of the Genocide Act 1969, shall each be amended by inserting in subsection (4), after the word “genocide”, the words “or an offence under section 1 of the Biological Weapons Act 1974.”

(2) In section 48(2) of the Navy Discipline Act 1957 (exclusion of jurisdiction of courts-martial), as amended by section 1(7) of the Genocide Act 1969, after the word “genocide” there shall be inserted the words “or an offence under section 1 of the Biological Weapons Act 1974.”

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SHORT TITLE

7. This Act may be cited as the Biological Weapons Act 1974.