

Act 3 of 1991 The Biological Weapons Act 1991 Saint Christopher and Nevis

AN ACT to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons and for purposes connected therewith and incidental thereto

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:-

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| Short title | 1. This Act may be cited as the Biological Weapons Act 1991 |
| 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 |
| Restrictions 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,

shall be guilty of an offence and shall be liable on conviction of 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) 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. 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 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 position of any power to arrest conferred by law apart from this section.

Power to search
and obtain
evidence

7. 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 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 and person named in the warrant to accompany any such member of the Police Force and to assist him in the taking of any of those steps.

Passed the National Assembly this 5th day of June 1991