

Chapter:	491	BIOLOGICAL WEAPONS ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons.

(Enacted 1996)

[24 May 1996]

(Originally 23 of 1996)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Biological Weapons Ordinance.

(Enacted 1996)

Section:	2	Restriction on development etc. of certain biological agents and toxins and of biological weapons		30/06/1997
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- (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) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for life.

(3) In this section-

"biological agent" (生物劑) means any microbial or other biological agent;

"toxin" (毒素) means any toxin, whatever its origin or method of production.

(Enacted 1996)

Section:	3	Prosecution of offences	L.N. 362 of 1997	01/07/1997
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(1) Proceedings for an offence under section 2 shall not be instituted except by or with the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

(2) Subsection (1) 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.

(Enacted 1996)

Section:	4	Offences by bodies corporate		30/06/1997
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Where an offence under section 2 which is committed by a body corporate is proved to have been committed with the consent and connivance 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, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(Enacted 1996)

Section:	5	Powers to search and obtain evidence		30/06/1997
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(1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 2 has been, is being, or is about to be, committed, he may grant a search warrant authorizing any police officer-

- (a) to enter any premises named in the warrant, if necessary by force, and to search the premises and every person found there;
- (b) to inspect any document, thing or substance found in the premises or in the possession of any person found there, to take copies of any such document and to sample any such substance;
- (c) to seize and detain any such document, thing or substance-
 - (i) in connection with which the police officer has reasonable grounds to suspect that an offence under section 2 has been, is being, or is about to be, committed; or
 - (ii) which the police officer has reasonable grounds to suspect to be or to contain evidence that such an offence has been committed.

(2) A warrant issued under subsection (1), authorizing a police officer to take the steps mentioned in that subsection, may also authorize any person named in the warrant to accompany the police officer and assist him in taking any of those steps.

(3) For the purpose of this section, "premises" (處所) includes any place and any vehicle, train, vessel or aircraft.

(Enacted 1996)

Section:	6	(Omitted as spent)		30/06/1997
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(Omitted as spent)

(Enacted 1996)