*Draft Order laid before Parliament under section 73(2) of the Anti-terrorism, Crime and Security Act 2001, for approval by resolution of each House of Parliament.*

D R A F T  S T A T U T O R Y  I N S T R U M E N T S

# 2007 No.

# PREVENTION AND SUPPRESSION OF TERRORISM

## The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007

*Made* - - - -

*Coming into force* - -

This Order is made in exercise of the powers conferred by section 58(2) of the Anti-terrorism, Crime and Security Act 2001(**a**).

The Secretary of State is satisfied that the pathogens and toxins which this Order will add to Schedule 5 to that Act could be used in an act of terrorism to endanger life or cause serious harm to human health.

A draft of this Order has been laid before, and approved by resolution of, each House of Parliament in accordance with section 73(2) of that Act.

Accordingly, the Secretary of State makes the following Order:

**1.** This Order may be cited as the Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 and shall come into force on the expiry of 14 days beginning with the day on which it was made.

**2.** Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (pathogens and toxins) is modified as follows.

**3.** In the list of viruses each of the following entries is added at the appropriate place in alphabetical order:

Dobrava/Belgrade virus

Everglades virus

Getah virus

Guanarito virus

Hendra virus (Equine morbillivirus)

Herpes simiae (B virus)

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(**a**) 2001 c.24.

Influenza viruses (pandemic strains)

Kyasanur Forest virus

Louping ill virus

Mayaro virus

Middleburg virus

Mobala virus

Mucambo virus

Murray Valley encephalitis virus

Ndumu virus

Nipah virus

Omsk haemorrhagic fever virus

Polio virus

Powassan virus

Rabies virus

Rocio virus

Sabia virus

Sagiyama virus

Sin Nombre virus

St Louis encephalitis virus

West Nile fever virus.

**4.** In the list of rickettsiae—

(a) the entry in respect of Bartonella quintana (Rochalimea quintana, Rickettsia quintana) is omitted, and

(b) there is added at the end of the list the following entry—

Rickettsia typhi (mooseri).

**5.** In the list of bacteria each of the following entries is added at the appropriate place in alphabetical order:

Brucella canis

Clostridium perfringens

Enterohaemorrhagic Escherichia coli, serotype 0157 and verotoxin producing strains

Multiple-drug resistant Salmonella paratyphi

Mycobacterium tuberculosis

Salmonella paratyphi A, B, C

Shigella boydii

Shigella flexneri.

**6.** After the list of bacteria there is added the following list:

"FUNGI

Cladophialophora bantiana

Cryptococcus neoformans."

**7.**—(1) The list of toxins is modified as follows.

(2) Each of the following entries is added at the appropriate place in alphabetical order:

Abrin

Modeccin toxin

Staphylococcal enterotoxins

Viscum Album Lectin 1 (Viscumin)

Volkensin toxin.

(3) In the entry in respect of Shiga toxin for "toxin" substitute "and shiga–like toxins".

(4) For the entry "Clostridium perfringens toxins" substitute—

"Clostridium perfringens epsilon toxin

Clostridium perfringens enterotoxin".

(5) The entries in respect of Aflatoxins, Microcystin (Cyanginosin), Staphylococcus aureus toxins and Verotoxin are omitted.

**8.** For the Notes there is substituted—

**"Notes**

**1.** Any reference in this Schedule to a micro-organism includes:

(a) intact micro-organisms;

(b) micro-organisms which have been genetically modified by any means, but retain the ability to cause serious harm to human health;

(c) any nucleic acid deriving from a micro-organism listed in this Schedule (synthetic or naturally derived, contiguous or fragmented, in host chromosomes or in expression vectors) that can encode infectious or replication competent forms of any of the listed micro-organisms;

(d) any nucleic acid sequence derived from the micro-organism which when inserted into any other living organism alters or enhances that organism's ability to cause serious harm to human health.

**2.** Any reference in this Schedule to a toxin includes:

(a) any nucleic acid sequence coding for the toxin, and

(b) any genetically modified micro-organism containing any such sequence.

**3.** Any reference in this Schedule to a toxin excludes any non-toxigenic subunit.".

Home Office

Minister of State

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 7 of the Anti-terrorism, Crime and Security Act 2001 makes provision for the security of the pathogens and toxins listed in Schedule 5 to that Act. This Order modifies that Schedule by adding the viruses listed in article 3, the rickettsiae listed in article 4(b), the bacteria listed in article 5, the fungi listed in article 6 and the toxins listed in article 7(2). The rickettsiae and toxins listed in articles 4(a) and 7(5) are omitted. Article 8 replaces the Notes in Schedule 5.

A Regulatory Impact Assessment in respect of this Order can be obtained from J. Fanshaw, the Terrorism and Protection Unit, Home Office, Peel Building, 2 Marsham Street, London SW1P 4DF (Tel. No. 020 7035 6821).

£3.00

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